

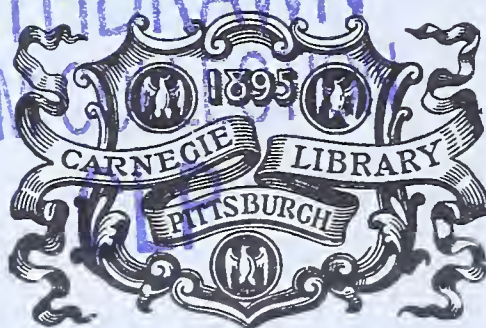
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AFFECTING LOCAL GOVERNMENT

PENNSYLVANIA DIVISION

*Pennsylvania. Bureau of Local
Government Services, Information
Services Division*

ACTS OF THE PENNSYLVANIA GENERAL ASSEMBLY
AFFECTING LOCAL GOVERNMENT

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TABLE OF CONTENTS

	<u>Page</u>
INTRODUCTION	v
MAJOR LEGISLATION OF 1972	vii
I. ASSESSMENT, TAXATION, REVENUE, OTHER FINANCIAL PROCEDURES	1
II. LOCAL GOVERNMENT ORGANIZATION, PROCEDURES, SERVICES AND FACILITIES	18
III. OFFICERS AND PERSONNEL (APPOINTMENT, ELECTION, POWERS AND DUTIES, SALARIES AND COMPENSATION BENEFITS)	27
IV. APPROPRIATIONS	40
V. STATE GOVERNMENT TAXATION, ORGANIZATION AND PROCEDURES	46
VI. ELECTIONS	57
VII. JUDICIAL AND COURT ADMINISTRATION, PROCEDURES	60
VIII. ENVIRONMENT, RECREATION AND CONSERVATION	66
IX. HOUSING, REDEVELOPMENT, INDUSTRIAL AND COMMERCIAL DEVELOPMENT	72
X. VEHICLES AND TRANSPORTATION	79
XI. CRIMES AND OFFENSES	85
XII. LIQUOR	90
XIII. LEGAL AGE	92
XIV. CONSOLIDATED STATUTES	99
INDEXES, by	
Acts	103
Government Unit	105
Subject	131



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INTRODUCTION

This publication contains brief summaries of legislation affecting local government, enacted during the 156th regular session and the two 1972 special sessions of the General Assembly. A total of 250 Acts, one Constitutional amendment, a reorganization plan adopted by the General Assembly, and two reports of the Commonwealth Compensation Commission, which have the effect of law, are reported here.

The 1972 legislative year was especially significant for several reasons. Most obvious features were the large number of laws enacted (375 regular session, six special session, and 70 appropriation) and the two special sessions, which continued until the end of the legislative year and resulted in three concurrent sessions, each with its own series of bills, calendars, journals, and Act numbers.

The year also saw enactment of a large volume of legislation which represented major changes in the roles and the procedures of local and State governments. This publication includes (p. vii) a separate table of contents of selected legislation of general interest.

The two special sessions of 1972 were called by Governor Shapp by proclamation on August 7 (2 Pa. B. 1723, 1724), the first to consider eleven specific topics including flood relief from the September, 1971, and June, 1972, disasters which affected the Southeastern and Central parts of the State; and the second to consider only the election and registration laws. Before the sessions ended, most of the legislation called for by the Governor was enacted, although several of these laws were passed as regular session, rather than special session, bills. Special session Acts are indicated in this publication by the Act number and the abbreviation, SS-1 or SS-2; bill numbers are indicated, for example, 1/HB 4, the first number designating the special session.

ACTS OF 1972 is divided into fourteen topics. The units of local government which each Act affects generally are included in its title. If an Act does not specifically affect any particular unit of local government but is of general interest, it has been assigned a heading which reflects its content.

Acts are arranged within each topic area according to the units of government affected. Those Acts which affect specific local government units are listed first in each section in the following order: Several units of local government, cities by class, boroughs, incorporated towns, townships by class, counties by class, authorities, and school districts. Acts of general interest are arranged alphabetically by heading, and follow those grouped by local government unit.

Acts which have a significant bearing in more than one topic area are reported in appropriate sections by cross references. Reference listings of an Act consist of the heading, a brief statement of subject matter, and the page where the Act is reported in full.

As a matter of convenience, the date of approval by the Governor and the effective date of each Act are included within the basic information presented about each Act. The effective date listed is based upon the Department's interpretation of the Statutory Construction Act (1937 P.L. 1019, amended 1969 P.L. 68; 46 P.S. 504) and Act 290 of 1972, Title I, Part V, Chapter 17 of the Consolidated Pennsylvania Statutes, effective December 6, 1972, which repeals and replaces the Statutory Construction Act (46 P.S. 1701-4).

The citations (P.S.) appearing after the synopses of Acts in this publication are to Purdon's Pennsylvania Statutes Annotated, published and copyrighted by the West Publishing Company, St. Paul, Minnesota. To the extent that pamphlet supplements to Purdon's Statutes had been received as of the date of preparation of the ACTS OF 1972, the citations are derived from those pamphlets. Citations for several later new Acts of new sections of Acts were provided on request by the West Publishing Company; citations for amendments to other existing statutes were supplied by the staff of the Bureau of Policy Planning and Information. Some citations have been considerably condensed because of the complexity of the legislation. The citations are included in the ACTS OF 1972 primarily to save time for local government officials and others who have access to Purdon's Statutes and who wish to read the texts of particular Acts. We gratefully acknowledge the cooperation and assistance of the West Publishing Company; the editor of the ACTS OF 1972, however, assumes responsibility for any errors which may appear in these citations.

In a few instances, where reference is made to a proclamation by the Governor, an opinion of the Attorney General, a report or other official document, citations are included in the text to the volume and page numbers of the Pennsylvania Bulletin where the documents are published. These references are cited, (Pa. B.). References to Federal law, in a few synopses, are accompanied by citations to the U.S. Code Annotated (U.S.C.A.), also a copyrighted publication of the West Publishing Company.

It should be noted that summaries are necessarily brief, and that these and the other information contained herein do not represent legal opinion.

Limited numbers of copies of Acts are available upon request from the Bureau of Policy Planning and Information, Department of Community Affairs, P.O. Box 155, Harrisburg, Pa. 17120; Telephone 717-787-1062.

The editor acknowledges the assistance of Sandra Wolfinger, who typed the entire publication.

MAJOR LEGISLATION OF 1972

The 156th Session of the Pennsylvania General Assembly was significant, not only for the volume of legislation but also because the Legislature led the Commonwealth into new areas of activity by new legislation, or greatly expanded the concepts of older laws by major amendments.

This list was selected to indicate the more far-reaching of these enactments. The statutes listed do not include all the important new laws---several not included will be more important to particular areas of management and operation---but generally include those representing new or greatly expanded interests of State and local governments.

<u>New Statutes</u>	<u>Act</u>	<u>Page</u>
Controlled Substance, Drug, Device and Cosmetic Act	64	49
Crimes Code	334	100
Drug and Alcohol Abuse Control Act	63	46
Environmental Improvement Compact (area government)	39	19
First Class City Revenue Bond Act	234	7
Flood relief - bond issue	4, SS-1	16
Flood relief - emergency appropriation	18-A	43
Flood relief - tax abatement	5, SS-1	16
Housing Replacement Authorization Act	304	72
Home Rule Charter and Optional Plans Law	62	20
Industrialized Housing Act	70	73
Intergovernmental cooperation	180	23
Inventory of State-owned or State-leased property	117	55
Local Government Unit Debt Act	185	4
Municipal pensions - actuary reports	293	28
Regional community treatment and rehabilitation for female prisoners	218	65
Scenic Rivers Act	283	67
Second Class County Jury Selection Act	292	60
Third Class City Port Authority Act	298	22
Uniform Interstate Air Pollution Agreement Act	20	18
Uniform Standards Code for Mobile Homes	69	73
Voluntary Nonprofit Health Service Act of 1972	364	52

Major Amendments

	<u>Act</u>	<u>Page</u>
Air Pollution Control Act	245	66
Conservation Commissions	361	68
Farmland assessment and open space covenants	253, 254, 352	12, 13, 16
Housing Finance Agency Law	282	75
Legal age (generally reduced to 18)	Section VIII	92
Mine Subsidence Insurance	278	69
Municipalities Planning Code	93	21
Pupil transportation	372	26
Vehicle Code:		
Inspection of emission control systems	154	83
Smoke control, deisel-powered vehicles	357	80
Noise limitations	6	83
Workmen's Compensation	83, 223	30

I. ASSESSMENT, TAXATION, REVENUE, OTHER FINANCIAL PROCEDURES

Act 205 Cities, Boroughs, Towns, Townships, Counties, Authorities,
School Districts

(S.B. 1464, P# 1909) Approved: 10-2-72 Effective: 10-2-72
Amends 1970 P.L. 485, amended 1971 P.L. 183, which removed
until June 30, 1972, the statutory limits on rates of interest
on obligations issued by State and local governments, auth-
orities, agencies and instrumentalities.

Extends the provisions of the Act for two more years to
June 30, 1974. 72 P.S. 4051

Act 55 Cities, Boroughs, Towns, Townships, Counties, School Districts

(S.B. 31, P# 1632) Approved: 3-27-72 Effective: 3-27-72;
retroactive to 7-1-71
Amends Section 14 (a) (b) (c) and (g) and repeals Section 14
(f) of the Community College Act of 1963, P.L. 1132, amended
1965 P.L. 651.

Increases the maximum reimbursement by the Commonwealth to
a community college for its operating costs from \$1,000 to
\$1,200 per student during an academic year and from \$500 to
\$600 per student during a summer term; includes in the
definition of capital expenses the lease or rental of capital
equipment and furniture and provides that for the purpose of
calculating the Commonwealth's share of operating, and
capital costs incurred prior to the actual admission of
students to a community college, all such costs will be
interpreted as capital costs; repeals the provisions dealing
with the crediting of Federal funds; and makes community
college employees eligible for inclusion in the Pennsylvania
State Employees' Retirement System.

24 P.S. 5214 (a)-(c), (f), (g)

Act 319 Cities, Boroughs, Towns, Townships, Counties, School Districts

(H.B. 2327, P# 3270) Approved: 12-6-72 Effective: 1-1-72
Amends Section 10 of the Community College Act of 1963,
P.L. 1132.

Prohibits a county from levying a tax for the establishment, operation and maintenance of a community college upon the property in a municipality located within the county if the school district in which the municipality is also located levies such a tax on property in the municipality for a community college located in another county. 24 P.S. 5210

Act 5
SS-1

Cities, Boroughs, Towns, Townships, Counties, School Districts

(1/S.B. 3, P# 12) Approved: 12-29-72 Effective: 12-29-72
A new Act

Authorizes the taxing bodies of political subdivisions, including school districts, to abate real estate taxes imposed by them for the tax year 1972 if the real property upon which the tax was imposed was damaged or destroyed by flood, or, in the event that the tax on the flood-damaged property has been paid, to refund such taxes or to provide for giving credit for the amount paid against any future real estate taxes imposed upon the property; requires that the amount of tax abated be in direct proportion to the damage to the property as measured by a reduction in the assessed valuation of the property by the local assessing authority using the same assessment valuation factors, criteria, and procedures in use prior to the disaster; authorizes local assessing authorities to assess flood-damaged properties retroactive to January 1, 1972, to reflect property reductions due to flood damage; provides that the amount abated by any taxing body may not exceed \$25,000 for any single property and that the property owner must petition the taxing body for the abatement, refund or credit on or prior to April 1, 1973; authorizes the Commonwealth to make, from State Disaster Relief Funds (Act 18-A of 1972, see page 43), for a total period not exceeding three years, annual partial or full reimbursement to any political subdivision or school district for annual real estate taxes lost, based on the 1972 tax rate, as a consequence of property values lost as a result of the June, 1972, flood; provides that such reimbursement shall not duplicate any payment made or to be made under any State or Federal assistance program and that taxes lost for any reason not directly associated with the flooding shall not be eligible for State reimbursement for the years 1972, 1973 and 1974; requires the Department of Community Affairs, with the approval of the Governor, to determine eligibility for partial or full reimbursement and prohibits payments to school districts unless the district has applied for and been denied Federal assistance under 20 U.S. Code 241-1, disaster assistance for current school expenditures.

taxes and revenues of a first class school district in securing tax anticipation notes shall be enforceable against all State and local officials in possession of such revenues and may be collected directly from them, or from sinking fund depositories where sinking funds are used to secure such notes, regardless of any contrary or inconsistent statute or rule of law. 53 P.S. 11-202 (a), (b), 505

Act 214 Cities - Second to Third Class, Boroughs, Towns, Townships, Counties, School Districts, Authorities

(S.B. 1656, P# 2108) Approved: 10-11-72 Effective: 10-11-72
retroactive to July 12, 1972,
the date of enactment of Act 185.
Amends the Local Government Unit Debt Act, Act 185 of 1972 (p. 4).

Includes first class school districts operating under a home rule charter or supplement within the definition of "local government unit"; liberalizes time requirements for advertising, posting and effective dates of ordinances required by the Act; requires that tax anticipation notes be authorized by resolution, rather than by ordinance; exempts tax anticipation notes from the provisions of Article VIII, which requires filing with the Department of Community Affairs a copy of all proceedings relating to the incurring of debt and the issuance of certificates of approval by the Department; liberalizes procedures for determining price and for conditional sale; and reduces the time for taxpayer appeals from 30 to 15 days after advertisement or certification.

53 P.S. 11-102 et seq.

Act 280 Cities - Second to Third Class, Boroughs, Towns, Townships, Counties, School Districts, Authorities

(H.B. 2515, P# 3568) Approved: 11-30-72 Effective: 11-30-72;
retroactive to the effective date of Act 185 (August 11, 1972); requires refund by the Department of all late filing fees paid under Section 803.

Amends Section 505 of the Local Government Unit Debt Act, Act 185 of 1972 (p. 4).

Provides for an additional percentage of taxes and revenues pledged in tax anticipation notes to be deposited in the sinking fund to provide for estimated net interest to maturity; amends Section 511 (b) to delete the requirement that the Department of Community Affairs establish regulations regarding notice to taxpayers and submission of statements on applications for funding of unfunded debt; amends Section 803 to delete the provisions for late filing fees.

53 P.S. 11-505, 511 (b), 803

Act 261 Cities - Second Class to Third Class, Boroughs, Towns,
Townships - First and Second Class, School Districts -
Second to Fourth Class

(H.B. 2011, P# 2619) Approved: 10-26-72 Effective: 10-26-72
retroactive to 1-1-72

Amends Section 14 of the Local Tax Enabling Act, 1965 P.L.
1257 (Act 511), amended 1967 P.L. 171.

Prohibits a taxpayer from claiming, as a credit against
any tax on earned income imposed by a local taxing authority
under Act 511, any tax on income imposed by other states
or their political subdivisions which the taxpayer claimed
as a credit or deduction for the same period against any
income tax imposed by the Commonwealth under Section 314
of the Tax Reform Code of 1971, P.L. 6, the Pennsylvania
State income tax. 53 P.S. 6914

Act 134 Cities - Second Class A and Third Class, Boroughs, Towns,
Townships, Counties, School Districts - Second to Fourth
Class.

Lowers legal age to 18 for occupation and per capita tax
purposes.

See Act 134, p. 92, and Note p. 92.

Act 113 Cities - First Class

(H.B. 1842, P# 2321) Approved: 6-9-72 Effective: 6-9-72

Repeals Section 38 of 1854 P.L. 21, incorporating Phila-
delphia, which consolidated the debts of the municipalities
which formed the city of Philadelphia and which limited loans
and debts and specified methods of payment.

53 P.S. 16983-4

Act 114 Cities - First Class

(H.B. 1843, P# 2322) Approved: 6-9-72 Effective: 6-9-72

Repeals Section 4 of 1866 P.L. 354, a supplement to the act
incorporating Philadelphia, which established a bonded debt
limit for Philadelphia of five million dollars and an interest
limit of 7.3 per cent. 53 P.S. 16985

Act 116 Cities - First Class

(H.B. 1941, P# 2504) Approved: 6-9-92 Effective: 6-9-72
Amends Section 2 of Article XVIII of 1919 P.L. 581, home
rule for First Class Cities.

Requires that in any ordinance authorizing the city to incur debt except for temporary loans, the council shall provide or covenant to provide for payment of interest and principal, deleting the requirement that the ordinance provide for collection of a tax to pay interest and principal.

Act 234 Cities - First Class

(S.B. 1610, P# 2013) Approved: 10-18-72 Effective: 10-18-72
A new Act, known as the First Class City Revenue Bond Act.

Permits a first class city to issue revenue bonds or notes, revenue refunding bonds or notes, and revenue bond anticipation notes evidencing an obligation payable solely from moneys derived directly or indirectly from project revenues, and for the payment of which neither the general credit nor the taxing power of the city is pledged; such obligations shall be excluded in ascertaining the debt-incurring capacity of the city regardless of any other statute except by specific reference, and do not constitute debt of the city, but are guaranteed to be exempt from taxation within and by the Commonwealth; provides procedures for issuance and for remedies of bondholders; requires provision for a sinking fund for payment of interest and principal; and permits issuance of general obligation bonds, subject to Constitutional debt limitations, for the refunding of revenue bonds if project revenues shall become insufficient to meet requirements of the bond ordinance.

53 P.S. 15901 to 15924

Act 135 Cities - Third Class

See Act 135, p. 94, and Note, p. 92.

Act 374 Boroughs, Townships, Authorities, School Districts

(H.B. 842, P# 3567) Become law without Effective 1-2-73
Governor's signa-
ture 1-2-73

Amends Sections 5 and 15 of 1959 P.L. 1978, pari-mutuel
wagering on harness racing, Section 5 amended 1967 P.L. 868
and Section 15 amended by Act 5 of 1972 (this page).

Extends the maximum number of days a corporation may be
licensed to conduct harness racing in one calendar year
from 62 to 100, authorizes all corporations licensed to
conduct parimutuel betting at harness races to retain 17
per cent of the total deposits plus the breaks and imposes taxes
to be paid by permit holders at the close of each of the 63rd
through 100th racing days as follows: by permit
holders licensed to conduct harness racing in school districts
of the first class, a tax of 1 per cent of the amount wagered
each day, to be credited to the State Harness Racing Fund,
and a tax of 6 per cent of the amount wagered each day, to
be paid to the school district for general school purposes;
by other permit holders, a tax of 5 per cent to be credited
to the State Harness Racing Fund and a tax of 2 per cent to
be paid to the Department of Commerce and distributed to
boroughs, townships, their authorities and county authorities
to aid in finance of water and sewerage facilities and access
roads in the same manner as the 2 per cent tax paid to the
Department of Commerce during the first 62 racing days.

15 P.S. 2605, 2615

Act 137 Boroughs, Towns, Townships, Counties - Fourth to Eighth Class

Lowers age limit to 18 for assessment for tax purposes.
See Act 137, p. 94, and Note p. 92.

Act 5 Boroughs, Townships, Authorities, School Districts - First
Class

(H.B. 1501, P# 2258) Approved: 1-26-72 Effective: 1-26-72
Amends Section 15 of 1959 P.L. 1978, harness racing, amended
1969 P.L. 225.

Extends indefinitely the 2 per cent tax on the amount of
the daily wager, to be paid by the permit holder, to the
school district in first class districts for general school
purposes, and in other than first class districts, to the
Department of Commerce for distribution to eligible boroughs
and townships, or county authorities serving them, for up to
25 per cent of the cost of water and sewerage projects and
access roads.

15 P.S. 2615

Act 320 Towns

(H.B. 2440, P# 3375) Approved: 12-6-72 Effective: 1-1-73
Amends Section 9 of 1870 P.L. 343, defining the limits and
organizing the town of Bloomsburg.

Increases the maximum rate of taxation from 15 to 30 mills
and authorizes the town council, in any year, in addition to
the 30 mill tax, to fix a tax to pay interest and sinking
fund charges on the indebtedness of the town, to fix a tax
not exceeding one-half mill to provide for pensions, retirement
or the purchase of annuity contracts for town employes, and
to fix a tax not exceeding 8 mills for lighting the streets,
highways and other public places.

Act 276 Townships - First Class

(H.B. 398, P# 429) Approved: 11-22-72 Effective: 1-1-72

Amends Section 1709 of the First Class Township Code, 1949
P.L. 1955 as amended 1967 P.L. 20.

Increases the tax limit for general purposes from 25 to
30 mills. 53 P.S. 56709

Act 47 Counties

(S.B. 730, P# 1513) Approved: 3-23-72 Effective: 3-23-72;
retroactive to July 1, 1971
Amends Section 1 of 1929 P.L. 694.

Provides that the expenses of keeping convicts in the State
penitentiaries will be paid by the respective counties in
which they are convicted until June 30, 1971; 75 per cent will
be paid by the counties and 25 per cent by the State until
June 30, 1972; 50 per cent by the counties and 50 per cent
by the State until June 30, 1973; 25 per cent by the counties
and 75 per cent by the State until June 30, 1974; starting
July 1, 1974 and thereafter, the State will pay all expenses
61 P.S. 344

Act 78 Counties

(S.B. 1028, P# 1678) Approved: 5-17-72 Effective 5-17-72
Adds Clause 509 (7) to the Mental Health and Mental Retarda-
tion Act of 1966, P.L. 96.

Requires that an amount equivalent to the employer's tax under the Federal Social Security Act shall be the first obligation against any State funds received by the counties for their use or authorized under the Act. 50 P.S. 4509

Act 316 Counties

(H.B. 2277, P# 3241) Approved: 12-6-72 Effective: 7-1-72
Amends Section 704 of the Public Welfare Code, 1967 P.L. 31.

Increases the maximum annual grants to county institution districts or their successors to defray part of the costs of child welfare programs developed jointly with the Department of Welfare from one-half to 60 per cent of the total of all such approved expenditures for all county institution districts or their successors. 62 P.S. 704

Counties

Act 317 (H.B. 2278, P# 3029) Approved: 12-6-72 Effective: 12-6-72
Act 318 (H.B. 2279, P# 3030) Approved: 12-6-72 Effective: 12-6-72
Amend, respectively, Sections 346 and 354 of the Public Welfare Code, 1967 P.L. 31.

Prescribe the following schedule by which the Commonwealth will assume from the counties the expenses for the care and maintenance of minors committed to any youth development center or forestry camp: from July 1, 1971 to June 30, 1972, 25 per cent of such county expenses shall be borne by the Commonwealth; from July 1, 1972 to June 30, 1973, 50 per cent shall be borne by the Commonwealth; from July 1, 1973 to June 30, 1974, 75 per cent shall be borne by the Commonwealth; and commencing July 1, 1974 and annually thereafter, the total of such county expenses shall be borne by the Commonwealth. 62 P.S. 346, 354

Act 326 Counties

(S.B. 604, P# 628) Approved: 12-6-72 Effective: 12-6-72;
and applicable to county officers elected or appointed on or after the Tuesday next following the first Monday of November, 1971.
Amends Section 42 of 1834 P.L. 537, county and township officers, amended 1957 P.L. 394.

Provides that money retained by the county treasurer as an agent of the Commonwealth for the collecting and transmitting of money for the Commonwealth shall be for the use of the county. 16 P.S. 11251

Counties

Act 327 (S.B. 607, P# 631) Approved: 12-6-72 Effective: 12-6-72
Act 328 (S.B. 608, P# 632) Approved: 12-6-72 Effective: 12-6-72

(Both acts are applicable to county officers elected or appointed on or after the Tuesday next following the first Monday of November, 1971)
Amend, respectively, Sections 303.1, 311, 312 and 501 of the Game Law, 1937 P.L. 1225, as amended, and Sections 201, 203 and 204 of the Dog Law, 1965 P.L. 1124.

Provide that fees payable to the county treasurer for the issuance of hunting licenses and dog licenses shall be for the use of the county.

34 P.S. 1311.1 et seq.; 3 P.S. 460—201 et seq.

Act 329 Counties

(S.B. 609, P# 633) Approved: 12-6-72 Effective: 12-6-72;
and applicable to county officers elected or appointed on or after the Tuesday next following the first Monday of November, 1971.

Amends Section 7 of 1830 P.L. 272.

Provides that fees received by prothonotaries, registers and recorders for collection of taxes on court proceedings shall be for the use of the county. 72 P.S. 3211

Act 330 Counties

(S.B. 610, P# 634) Approved: 12-6-72 Effective: 12-6-72;
and applicable to county officers elected or appointed on or after the Tuesday next following the first Monday of November, 1971.

Amends Section 21 of 1919 P.L. 521, amended 1937 P.L. 1597.

Requires that fees payable to the register of wills for the collection of decedent real estate transfer taxes be paid over to the general fund of the county for the use of the county. 72 P.S. 2381

Act 352 Counties

(H.B. 2516, P# 3383) Approved: 12-28-73 Effective: 12-28-72
Amends Sections 2 and 3 of 1965 P.L. 1292, which enables
certain counties to covenant with land owners for preser-
vation of land in farm, forest, water supply, or open space
uses, Section 3 amended 1967 P.L. 882.

Removes the requirement that land preserved under the Act be within an area of concentrated population defined by the Federal government as an urban area and includes all counties within the provisions of the Act. 16 P.S. 11942-3

Counties

Counties - Fourth to Eighth Class

Act 197 (S.B. 147, P# 147) Approved: 9-22-72 Effective: 11-21-72
Act 198 (S.B. 154, P# 154) Approved: 9-22-72 Effective: 11-21-72
Amend, respectively, Section 204 of the General County
Assessment Law, 1933 P.L. 853, amended 1968 P.L. 157, and
Section 202 of the Fourth to Eighth Class County Assessment
Law, 1943 P.L. 571.

Change the language relating to real property tax exemptions to conform to Article VIII, Section 2 of the Constitution; amended sections are those relating to places of worship, places of burial, veterans' organizations, and Subsections (b) and (c) of each amended section.

Act 136 Counties - Second Class A to Eighth Class, Cities - Third Class
Boroughs, Towns, Townships, School Districts - Second to Fourth
Class

Lowens legal age to 18 in the Local Tax Collection Law.
See Act 136, p. 93. and Note, p. 92.

Act 255 Counties - Second Class

(H.B. 1334, P# 3332) Approved: 10-26-72 Effective: 10-26-72;
applies to all refunds made after the effective date, except
that on refunds resulting from reductions prior to passage
of this amendment, interest shall be paid in accordance
with statutory provisions in effect at the time the reduc-
tions were made.

Amends Section 17 of 1939 P.L. 626, assessment, as amended 1970 P.L. 415.

Limits the period of interest to be paid by taxing authorities on refunds of taxes in case of reduction of an assessment on appeal, from beginning one year after the date of payment of the tax to beginning one year after receipt by the tax-levying authorities of the reduction notice mailed by the Board of Property Assessment, Appeals and Review, but in no case shall statutory interest begin to accrue prior to June 22, 1970 (effective date of amendatory Act 138 of 1970 P.L. 415, which required payment of interest on tax refunds); requires that refunds be made within 30 days after the tax-levying authorities have received notice by mail by the Board, whether the reduction was made by the Board or by court. 72 P.S. 5452.17

Act 253 Counties - Second Class A and Third Class

(H.B. 1233, P# 1376) Approved: 10-26-72 Effective: 12-25-72
Adds Subsection 3(b) to 1931 P.L. 1379, amended 1965 P.L. 38, assessment in Second Class A and Third Class Counties.

Requires that in assessing any land which is subject to a restrictive covenant under 1966 P.L. 1292 for preservation of such land in farm, forest, water supply or open space uses, the board of assessment and revision of taxes shall determine the actual value with the covenant attached and base the assessment on that value; the board also shall determine the value without the covenant and, if the covenant is violated, shall base the assessment on that value.

72 P.S. 5344

Act 229 Counties - Third to Eithth Classes

(S.B. 1292, P# 1589) Approved: 10-18-72 Effective: 10-28-72
Adds Section 1307.1 to the County Code, 1955 P.L. 323.

Permits the prothonotary to deposit in interest-bearing accounts, in institutions insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, or to invest in obligations of, or guaranteed by, the U.S. Government, all moneys deposited with him in any legal proceedings; all accrued interest on such accounts shall be paid to the county treasurer for the use of the county. 16 P.S. 1307.1

Act 351 Authorities

(H.B. 2472, P# 3463) Approved: 12-28-72 Effective: 2-26-72
Amends Section 4B (i) of the Municipality Authorities Act
of 1945, P.L. 382, amended 1947 P.L. 571.

Prohibits a municipal authority from borrowing money on obligations to be paid primarily out of lease rentals or other current revenues, other than charges made to the public for the use of the capital projects financed, if the net debt of the lessee municipality or municipalities exceeds any limit provided by any State law. 53 P.S. 306

Act 28 School Districts

(H.B. 1087, P# 2451) Approved: 2-25-72 Effective: 2-25-72
Amends Section 807.1 of the Public School Code of 1949,
P.L. 30, added 1968 P.L. 796.

Raises from \$1,000 to \$1,500 the amount of school purchases that may be purchased by a board of school directors without bidding; authorizes the board of school directors in any district to appoint a purchasing agent for the district, with authority to purchase supplies costing less than \$1,500; exempts games, toys, prepared kits, flannel board materials, flash cards, models, projecturals and teacher demonstration devices from the above provisions.

24 P.S. 8—807.1

Act 89 School Districts

(S.B. 1055, P# 1647) Approved: 6-1-72 Effective: 6-1-72
Amends Sections 631, 703, 731 and 2574 of the Public School Code of 1949, P.L. 30, reenacted and amended 1967, P.L. 9 and amended 1955 P.L. 651.

Authorizes the board of school directors in any school district to purchase or acquire buildings for school use; prohibits any school district of the second, third or fourth class from purchasing a school building until such purchase is approved by the Department of Education; provides that for the purchase of any building, reimbursement to the school district by the State will be computed in the same manner as for constructed school buildings and provides new formulas for determining approved building costs and costs of renovating buildings.

24 P.S. 6—631, 7—703, 7—731, 25—2574(f)

Act 273 School Districts

(H.B. 1020, P# 3499) Approved: 11-15-72 Effective: 11-15-72;
retroactive to July 1, 1971.
Amends Sections 1376, 1377 (b) and 2501 (17) of the Public School
Code of 1949, P.L. 30, amended 1968 P.L. 1165, and 1971 P.L.
339.

Increases maximum cost for handicapped pupils from \$4,200 per
year to \$5,500 for maintenance and tuition for residential
students, \$4,125 for tuition for deaf or blind day students,
and \$3,500 for tuition for cerebral palsied, brain damaged
and/or muscular dystrophied students, and from \$2,310 to
\$3,300 for tuition for emotionally disturbed day students;
and extends modified sparsity factor payments to reorganized
or merged districts of which any component district has been
eligible for sparsity factor payments.

24 P.S. 13—1376, 1377 (b); 25—2501 (17)

Act 138 School Districts

Lowers age limit to 18 for school tax purposes.
See Act 138, p. 96, and Note, p. 92.

J.R. 1 Constitutional Amendment

Joint Resolution No. 1 of 1972 Passed the House: 8-17-72
Passed the Senate: 8-24-72 Filed in Office of Secretary of
the Commonwealth 8-25-72 Adopted by the electorate at the
General Election 11-7-72: Yes: 1,711,509 No: 686,792
Adoption certified to the Governor: 1-9-73 Proclamation: 1-19-73
(1/H.B. 4, P# 17) (3 Pa. B. 371) Effective: 1-19-73
Adds Section 17 to Article VIII of the Constitution of the
Commonwealth.

Authorizes the General Assembly to enact laws providing
for tax rebates, credits, exemptions, grants-in-aid, State
supplementations, or otherwise provide special provisions
for individuals, corporations, associations or nonprofit
institutions, including nonpublic schools to alleviate danger,
damage, suffering or hardship as a result of a great storm
or flood of September, 1971, or June, 1972. (See Act 5
of Special Session No. 1, p. 2) Const. P.S. Art. 8, Sec. 17

Act 254 Farmland Assessment

(H.B. 1234, P# 3366) Approved: 10-26-72 Effective: 12-25-72
Amends 1965 P.L. 1292, covenants for preservation of land
in farm, forest, water supply or open space uses.

Reduces the size of an eligible tract of farm land from 50
to 20 acres; amends the definition of open space land to
require that such land be at least 10 acres in area in common
ownership in which site coverage by structures, roads and
paved areas does not exceed 3 per cent, and to permit any use
which preserves open space; deletes the requirement that
land under covenant be located within an area of concentra-
ted population defined by the Federal government as an
urban area; deletes the requirement for court approval of
the covenant, and specifies that the covenant shall take
effect when it is recorded in the office of the recorder
of deeds; extends the term of the covenant from five to
ten years; and requires that the board to which assessment
appeals are taken shall take the restriction into consider-
ation in fixing the assessment. 16 P.S. 11941-4

Act 4 Flood Relief - Bond Issue
SS-1

(1/H.B. 10, P# 32) Approved: 10-5-72 Effective: 10-5-72
A new Act.

Authorizes the borrowing of up to \$100,000,000 to carry
out the rehabilitation of areas affected by the Great Storm
and Floods of September, 1971, and June, 1972, through urban
redevelopment assistance, to be evidenced by one or more
series of general obligation bonds of the Commonwealth with a
final maturity date of not more than 30 years from the first
issuance; such bonds are exempt from State and local taxation;
proceeds are to be deposited in a separate Disaster Relief
Fund, and paid to the Department of Community Affairs to
defray the costs of rehabilitation of the areas affected;
interest and principal payments are to be made from a
separate Disaster Relief Redemption Fund to which the General
Assembly annually shall appropriate amounts necessary.

Act 1 Flood Relief - Fire Companies
SS-1

(1/H.B. 6, P# 15) Approved: 9-1-72 Effective 9-1-72
A new Act.

Authorizes the Governor to allocate from funds appropriated
under Act 18-A of 1972, emergency and disaster relief (Page 43),
as much money as may be necessary to provide for repair or

replacement of volunteer fire company and ambulance association operational equipment and facilities damaged or destroyed in the floods of September, 1971, and June, 1972; prohibits the use of such funds for the repair or replacement of meeting halls, social rooms, or any other facilities not directly related to fire fighting, rescue or ambulance operations.

Act 60 Public Utility Service

(H.B. 1034, P# 2434) Approved: 3-28-72 Effective: 5-27-72
A new Act.

Prohibits any person, corporation or other entity, other than a public utility, electric cooperative corporation, municipal authority or municipal corporation, which purchases service from a public utility and resells it to consumers, from charging any residential consumer an amount in excess of the amount which the public utility would bill its own residential consumers for the same quantity of service under the residential rate of its current tariff; violation is a summary offense carrying a fine of \$100 multiplied by the number of residential bills exceeding the maximum.

66 P.S. 1751-2

II. LOCAL GOVERNMENT ORGANIZATION, PROCEDURES, SERVICES AND FACILITIES

Act 247 Cities, Boroughs, Towns, Townships, Counties, Authorities,
School Districts

(H.B. 1969, P# 3267) Approved: 10-26-72 Effective. 11-25-72;
does not apply to any contract awarded pursuant to an
invitation for bids issued on or before the effective
date.

A new Act.

Requires that all invitations for proposals for construction projects for the Commonwealth, its authorities or agencies, or any political subdivision, must identify those provisions of Federal and State statutes, rules and regulations dealing with the prevention of environmental pollution and the preservation of public natural resources affecting the projects; requires that if additional work must be undertaken by the successful bidder because of the enactment of new, or the amendment of existing, statutes, rules or regulations after submission of the proposal, the awarding agency shall issue a change order and the cost to the awarding agency shall be determined under the terms of the contract or on the basis of cost to the contractor plus reasonable amounts for overhead and profit, and provides for arbitration in case of disputes; and requires written authorization before such additional work may be undertaken.

Act 20 Cities, Boroughs, Towns, Townships, Counties

(H.B. 204, P# 224) Approved: 2-17-72 Effective: 2-17-72
A new Act, known as the Uniform Interstate Air Pollution
Agreements Act.

Authorizes the Department of Environmental Resources, Regional Air pollution Control Associations and municipalities having responsibilities relating to air quality to enter into administrative agreements with state and local authorities of other states to develop air pollution control programs for the quality of air moving between or among Pennsylvania and one or more other states.

Act 39 Cities, Boroughs, Towns, Townships, Counties

(S.B. 878, P# 1618) Approved: 3-16-72 Effective: 3-16-72
A new Act, known as the Environmental Improvement Compact.

Provides for the establishment of government for areas involving two or more municipalities or parts thereof; referenda to establish a compact can be initiated by voters comprising 2 per cent of electors voting for Governor in the last gubernatorial general election or by ordinance of the municipal governing bodies; the question must be approved by a majority vote of those voting in each municipality; each compact is to be governed by a board of five, seven or nine members elected at large for overlapping four-year terms; the board may exercise any government function of two or more municipalities, tax real estate within its jurisdiction up to a limit of 2 mills, impose service charges, borrow money, issue bonds and exercise the power of eminent domain.

53 P.S. 11400—101 to 701

Act 120 Cities, Boroughs, Towns, Townships, Counties

(S.B. 1330, P# 1646) Approved: 6-15-72 Effective: 6-15-72
Amends Sections 2,5 and 18 of 1935 P.L. 589, amended 1959
P.L. 1301 and 1951 P.L. 1338.

Deletes the authority of the Secretary of Agriculture to designate municipal health boards, departments or officers as agents for issuing permits for the sale of milk and milk products; permits the Secretary to designate municipal health entities as agents for inspection of milk and milk products and to make acceptance of such inspections optional instead of mandatory; deletes the authority of municipalities or counties to enact or enforce ordinances or regulations with respect to milk permits or standards and prohibits municipality and county health units from ordaining or enforcing requirements related to sanitation, inspections, standards, labeling statements or descriptions other than those provided by State law and regulations; authorizes the Secretary to enter into reciprocal agreements with other states or jurisdictions for inspection and labeling requirements with respect to milk and milk products. 31 P.S. 646, 649, 660b

Act 189 Cities, Boroughs, Towns, Townships, Counties

(H.B. 1270, P# 1425) Approved: 7-12-72 Effective: 9-10-72
Amends 1937 P.L. 2747, service of process in civil actions against non-residents.

Adds actions or proceedings arising out of the violation of any municipal ordinance to actions in which process may be served through the Secretary of the Commonwealth as agent, where the non-resident is owner, tenant or user of real estate within the Commonwealth. 12 P.S. 331

Act 366 Cities, Boroughs, Towns, Townships, Counties

(S.B. 369, P# 2104) Approved: 12-29-72 Effective: 2-27-73
Amends Section 11 of the State Council of Civil Defense Act of 1951, P.L. 28, amended 1953 P.L. 1027.

Provides that, except in cases of wilful misconduct or gross negligence, no person, firm or corporation under contract with the State or any political subdivision or other agency to provide equipment or work on a cost basis to be used in disaster relief shall be liable for the death of or any injury to persons or damage to property as a result of such civil defense activity. 71 P.S. 1689.11

Act 62 Cities - Second to Third Class, Boroughs, Towns, Townships, Counties - Second to Eighth Class

(S.B. 752, P# 1694) Approved: 4-13-72 Effective: 4-13-72
A new Act, known as The Home Rule Charter and Optional Plans Law.

Grants municipalities the right and power to adopt home rule charters or one of several optional plans of government and to exercise the powers and authority of local self-government subject to specific restrictions and limitations, and provides procedures for their adoption, amendment and repeal. The question of the election of a Government Study Commission to consider an optional form, to draft a home rule charter, or to recommend either an optional form or a home rule charter, may be placed on the ballot either by initiative petition of the voters or by ordinance of the governing body. The study commission of seven, nine, or eleven members is elected at the same election as the question is voted on; no members are elected unless the question is approved. The study commission is required to study the form of government of the municipality and report its recommendations within nine months, except that it has an additional three months to draft a home rule charter. The study commission may recommend: (1) a referendum on adoption of one of the optional plans, (2) a referendum on adoption of a home rule charter, (3) that the form of government of the municipality remain unchanged, or (4) such other action as it may deem advisable. Any change in the form of

government requires approval by a majority of electors voting at the referendum. Possible conflicts between counties and local municipalities are regulated by a provision which allows local municipalities exercising a function that a home rule county assumes to opt out of the county exercise of that function and continue to exercise that function. The act presents six optional plans: three variations of an executive-council plan, a council-manager plan, a small municipality plan (designed for municipalities with under 7,500 population), and the present county form of government as mandated in the Constitution. Provisions common to all optional forms municipalities relate to officers and employees, vacancies in office, legislation by council, audit and control and transition to the optional form. The act does not apply to any city of the first class or to any county of the first class. No municipality within a county may supersede any power or function currently exercised by the county.

53 P.S. 1—101 to 1—1309

Act 186 Cities - Second to Third Class, Boroughs, Towns, Townships,
 Counties - Second to Eighth Class

(S.B. 1473, P# 1836) Approved: 7-12-72 Effective: 7-12-72
A new Act.

Provides that whenever a municipality has instituted proceedings for adoption of a home rule charter or optional plan of government in accordance with the provisions of Article II of the "Home Rule Charter and Optional Plans Law" (Act 62), such municipality must keep the form of government and classification in effect prior to January 1, 1971, until a final determination is made by the electorate. 53 P.S. 2

Act 93 Cities - Second Class A to Third Class, Boroughs, Towns,
 Townships - First and Second Class, Counties Second to Eighth
 Class, School Districts

(H.B. 1129, P# 2639) Approved: 6-1-72 Effective: 7-31-72
Amends the Pennsylvania Municipalities Planning Code, 1968
P.L. 805.

Adds definitions of "mobilehome", "mobilehome lot" and "mobilehome park" and requires that provisions regulating mobilehome parks be set forth in separate articles of any subdivision and land development ordinances or any planned residential development ordinances; substitutes new definitions of "nonconforming use" and "nonconforming structure" and allows additional zoning classifications to be made for the purpose of regulating nonconforming uses and structures;

repeals Section 209 and adds Section 209.1 which gives powers and duties to the planning agency essentially similar to Section 209 except that the planning agency may act only at the request of the governing body; requires the plan of a school district be submitted to both the municipal and the county planning agency for their recommendations; requires the governing body to hold public hearings on a proposed official map; provides that any municipality other than a county may adopt by reference the subdivision and land development ordinance of the county, and may by separate ordinance designate the county planning agency as its official administrative agency for review and approval of plats; optionally permits planning agencies instead of governing bodies to approve applications for approval of a plan; repeals Section 512, appeals to the courts from subdivision and land development decisions; requires the governing body to vote upon enactment of a zoning ordinance within 90 days after the public hearing; requires a copy of a proposed zoning ordinance be submitted by a city, borough, incorporated town or township planning agency to the county planning agency for recommendation; specifies the procedures to be followed for curative amendments; and substitutes a new Article X governing zoning appeals, including appeals to the courts.

53 P.S. 10101 et seq.

Act 105 Cities - First Class

(S.B. 1208, P# 1472) Approved: 6-9-72 Effective: 8-8-72
Amends Section 2107, the Administrative Code of 1929, P.L. 177, amended 1956 P.L. 1394.

Allows any unused portion of tuberculosis sanatoria in first class cities to be used as health care clinics.

71 P.S. 537 (c)

Act 298 Cities - Third Class

(S.B. 1307, P# 2141) Approved: 12-6-72 Effective: 2-4-73
A new Act, known as the Third Class City Port Authority Act

Authorizes the creation of port authorities in cities of the third class for planning, acquiring, holding, constructing, improving, maintaining, operating, owning and leasing port facilities and equipment; provides that the powers of the authority be exercised by an eleven-member board, with nine members who are county residents appointed by the mayor and one member each appointed by the Governor and the Secretary

of Transportation, for staggered three-year terms; authorizes such port authorities to charge and collect fares, rates, rentals and other charges for facilities, to borrow money and issue bonds, to exercise the power of eminent domain, to establish carrier routes and services, to make contracts and to exercise other powers necessary for carrying out the purposes of the authority. 55 P.S. 571 to 586

Act 180 Cities - Second to Third Class, Boroughs, Towns, Townships, Counties

(S.B. 487, P# 1750) Approved: 7-12-72 Effective: 7-12-72
Implements Article IX, Section 5 of the Constitution.

Provides for intergovernmental cooperation or the transfer of any municipal function, power, or responsibility to another governmental unit upon passage of an ordinance in the area affected; does not apply to any agreement entered into by a first class city nor to any agreement entered into between a municipality and a first class city. When mandated by initiative and referendum in the area, such ordinance must be adopted; requires that any agreement between a municipality and the Commonwealth, another state, municipality of another state or the Federal government be submitted to the Local Government Commission for review and recommendation. A cooperation agreement is deemed in force when adopted by agreement of all cooperating municipalities. Repeals 1943 P.L. 340. 53 P.S. 481 to 490

Act 321 Towns

(H.B. 2441, P# 3275) Approved: 12-6-72 Effective: 12-6-72
A new Act.

Authorizes incorporated towns to prohibit and remove any nuisances or dangerous structures on public and private grounds, including but not limited to accumulations of garbage and rubbish and the storage of abandoned or junked automobiles, or to require the removal of the nuisance or dangerous structure by the owner or occupier of the ground; in default of removal by the owner or occupier of the grounds, the town may cause such removal and collect the cost with a 15 per cent penalty. 53 P.S. 53175-6

Act 258 Townships - First Class

(H.B. 1618, P# 2480) Approved: 10-26-72 Effective: 12-25-72
Amends Section 1501 of the First Class Township Code, 1949
P.L. 1955 amended 1968 P.L. 897.

Exempts from requirements for advertising and for sale to the highest bidder of real or personal property of the township, when such property is sold to a county, city, borough, town, township, institution district or school district, or where real property is to be sold to a non-profit corporation organized as a public library; when real property is to be sold to a nonprofit corporation organized as a public library the board of township commissioners may elect to accept such nominal consideration as it deems appropriate. 53 P.S. 56501

Act 26 Counties - Second Class A

(H.B. 151, P# 168) Approved: 2-25-72 Effective: 4-25-72
Amends Section 2 of 1961 P.L. 887.

Provides that in counties of the second class A, upon the direction of the recorder of deeds, the mortgagee shall satisfy the lien of the mortgage by means of a satisfaction piece. 21 P.S. 720—2

Act 159 Counties - Second Class A

(H.B. 1370, P# 2128) Approved: 6-30-72 Effective: 6-30-72
Amends section 8.1 of 1836 P.L. 715, reference and arbitration, amended 1971 P.L. 220.

Increases the amount that may be arbitrated in all cases from \$3,000 to \$10,000 for second class A counties as well as first and second class counties. 5 P.S. 30

Act 92 Authorities

(H.B. 1080, P# 1205) Approved: 6-1-72 Effective: 7-31-72
Amends Section 4(A) of the Municipality Authorities Act of 1945, P.L. 382, amended 1970 P.L. 649.

Authorizes municipal authorities to construct and maintain facilities for the conduct of judicial proceedings and health centers. 53 P.S. 306 (A)

Act 375 Authorities

(H.B. 2174, P# 2876) Became law without Effective: 1-2-73
Governor's signa-
ture: 1-2-73

Adds Section 4B (v) to the Municipality Authorities Act of
1945, P.L. 382.

Authorizes Authorities to appoint police officers who shall
have the same rights as other peace officers in the Common-
wealth with respect to the property of the Authority.

53 P.S. 306

Act 17 School Districts, Authorities

(H.B. 725, P# 2330) Approved: 2-9-72 Effective: 4-9-72
Adds Section 741 to the Public School Code of 1949, P.L. 30.

Requires any school district or authority planning to
construct or reconstruct a school building located in an
area certified by the Department of Environmental Resources
as subject to mine subsidence, to obtain, before beginning
design, an evaluation of the substrata of the land to be used
from the Department of Environmental Resources. 24 P.S. 7—741

Act 287 School Districts

(S.B. 290, P# 2176) Approved: 12-6-72 Effective: 12-6-72
Adds Section 1319 to the Public School Code of 1949, P.L. 30.

Prohibits any guidance counselor, school nurse or school
psychologist in public, private or parochial schools, or any
clerical worker of such schools who performs professional
duties for a guidance counselor, school nurse or school
psychologist, from disclosing in any legal proceeding, or
before the General Assembly or its committees, any State
commission, department, or bureau, or any municipal body,
officer or committee, any information he has acquired from
a student in confidence, without the consent of the student if
he is 18 years of age or older or of his parent or legal
guardian if he is under 18; provides that this prohibition
against disclosing confidential information shall not excuse
or prevent any such person from complying with 1967 P.L. 239,
which requires a physician, or the head of the institution at
which the physician is a staff member, to report to the public
child welfare agency of the county in which the child lives,
any case in which examination of a child under 18 years of
age discloses evidence of gross physical neglect or injury.

24 P.S. 13—1319

Act 314 School Districts

(H.B. 2239, P# 2975) Approved: 12-6-72 Effective: 2-4-73
Amends Section 1337 of the Public School Code of 1949, P.L. 30.

Substitutes the word "food" for the word "lunch" in the provisions relating to the nonprofit school food program.

24 P.S. 13—1337

Act 372 School Districts

(H.B. 1480, P# 3621) Approved: 12-29-72 Effective: 7-1-73
Amends Sections 1361, 1362 and 2541 of the Public School Code of 1949, P.L. 30, pupil transportation, amended 1959 P.L. 1975, 1963 P.L. 564, 1968 P.L. 192 and 1969 P.L. 468.

Permits any school district to provide free transportation for any resident pupil enrolled in any nonprofit kindergarten or elementary or secondary school within, or within 10 miles of, the district boundaries, except that the limit does not apply to area vocational technical schools, or to special schools or classes; permits the district to provide free transportation for all such pupils for field trips within the Commonwealth; provides for transportation of such pupils within the 1½ mile or two-mile limits specified when road, highway or traffic conditions make walking on the shoulder of the road, where there are no sidewalks, a hazard to the safety of the child as certified by the Bureau of Traffic Safety in the Department of Transportation; and extends the provisions to include kindergarten pupils. Specifies that nothing in the amendatory act shall be construed to require or authorize assignment or transportation of any pupil to any school outside the district in which he resides except with the consent of the school board or the authorities of the nonpublic school, and that it is the intent of the Legislature that any State funds to be appropriated to implement the amendatory act shall come from Federal revenue sharing funds received by the Commonwealth. (Opinion of the Attorney General, Opinion No. 5, 1-15-73; 3 Pa. B 202.)

24 P.S. 13—1361, 1362; 25—2541

Act 50 Counties - Second Class, Authorities, School Districts - First Class

(H.B. 1835, P# 2519) Approved: 3-23-72 Effective: 3-23-72
Amends Sections 1, 3 and 4 of the Uniform Facsimile Signature of Public Officials Act, 1961 P.L. 849.

Permits the use of a facsimile seal by first class school districts, any authority created by school districts, and second class counties.

65 P.S. 301, 303-4

III. OFFICERS AND PERSONNEL (APPOINTMENT, ELECTION, POWERS AND DUTIES, SALARIES AND COMPENSATION BENEFITS)

NOTE: Amendments reducing age limits for elected and appointed officials and employes, see Section XIII, Legal Age, p. 92.

Act 30 Cities, Boroughs, Towns, Townships, Counties

(H.B. 1443, P# 2267) Approved: 2-25-72 Effective: 4-25-72
Amends Section 9(a) of 1967 P.L. 707, pari-mutuel wagering on thoroughbred racing.

Increases from \$6,000 to \$12,000 the minimum compensation of a public employee of a political subdivision, other than law enforcement employees, prohibited by statute from holding office or employment with firms or associations related to racing. 15 P.S. 2659 (a)

Act 31 Cities, Boroughs, Towns, Townships, Counties

(H.B. 1457, P# 2268) Approved: 2-25-72 Effective: 2-25-72
Amends Section 7.2(a) of 1959 P.L. 1978, pari-mutuel wagering on harness racing.

Increases from \$6,000 to \$12,000 the minimum compensation of a public employee of a political subdivision, other than law enforcement employees, prohibited by statute from holding office or employment with firms or associations related to racing. 15 P.S. 2607.2 (a)

Act 41 Cities, Boroughs, Towns, Townships, Counties

(S.B. 1219, P# 1534) Approved: 3-22-72 Effective: 5-21-72
Amends Section 9 of 1967 P.L. 707, pari-mutuel wagering on thoroughbred horse racing.

Specifies that the provisions dealing with the prohibition of interest by public officers, public employees and party officers in pari-mutuel racing activities nevertheless allow any person other than members, employes or appointees of the State Horse Racing Commission to own and to be licensed to race a thoroughbred race horse at any licensed race track.

15 P.S. 2659 (d.1)

Act 42 Cities, Boroughs, Towns, Townships, Counties

(S.B. 1220, P# 1535) Approved: 3-22-72 Effective: 5-21-72
Amends section 7.2 of 1959 P.L. 1978, pari-mutuel wagering on
harness racing, added 1963 P.L. 256.

Specifies that the provisions dealing with the prohibition
of interest by public officers, public employes and party
officers in pari-mutuel racing activities nevertheless allow
any person other than members, employes or appointees of the
State Harness Racing Commission to own and to be licensed
to race a harness race horse at any licensed race track.

15 P.S. 2607.2 (d.1)

Act 44 Cities, Boroughs, Towns, Townships, Counties

(H.B. 1203, P# 1340) Approved: 3-23-72 Effective: 5-22-72
Amends Section 6(e) (3) of the Volunteer Firemen's Relief
Association Act, 1968 P.L. 149.

Provides for payment from the beneficiary or death benefit
fund to the estate of the participant in cases where a
beneficiary is not designated or a designated one has pre-
deceased the participant.

53 P.S. 8506 (e) (3)

Act 293 Cities, Boroughs, Towns, Townships, Counties

(S.B. 875, P# 2196) Approved: 12-6-72 Effective: 2-4-73

Requires all pension systems for municipal employes, police
and firemen to employ or retain an actuary, to be paid by
the municipality, to investigate the sufficiency of pension
funds to pay retirement benefits; requires the actuary to
send a report of his findings to the Department of Community
Affairs every 4 years for pension systems with less than
50 members and every 2 years for pension systems with 50
or more members, in each case within 90 days of December 31
of the year in which the study is required; authorizes the
Department to specify the form and content of the reports
and to supply copies of the forms; in cases where a report
is not filed by the due date, requires that all State pension
reimbursements be withheld until the study is completed,
that the Department of Community Affairs perform the actuary
study, and that the municipality reimburse the Department the
actual cost of performing the study; requires that the initial
actuary study be made during the calendar year 1973.

53 P.S. 730.1 to 730.5

Act 268 Cities, Boroughs, Towns, Townships, Counties, Authorities

(S.B. 876, P# 972) Approved: 10-26-72 Effective: 12-25-72
Amends Section 16 of the Municipal Employees' Retirement Law,
1943 P.L. 886 amended 1963 P.L. 1142.

Increases from \$10 to \$20 per member per year, the amount
which the Municipal Employees' Retirement Board may assess
municipalities for administrative costs; and requires that
the unexpended balance of such municipal contributions for
administrative expense be credited to the appropriation to
the State Employees' Retirement Board on an annual, rather than
a biennial, basis. 53 P.S. 686

Act 269 Cities, Boroughs, Towns, Townships, Counties, Authorities

(S.B. 877, P# 973) Approved: 10-26-72 Effective: 12-25-72
Amends Section 14 of the Municipal Police Retirement Law,
1968 P.L. 944.

Increases from \$10 to \$20 per member per year, the amount
which the Municipal Employees' Retirement Board may assess
municipalities for administrative costs; provides that payments
to municipalities from the proceeds of the taxes on premiums
paid by foreign casualty insurance companies shall be used,
after funding any unfunded liability, to apply against the
annual obligation of the municipality for future service
costs, administrative expenses and disability reserve costs,
and any excess thereafter to reduce member contributions.

53 P.S. 790.14

Act 344 Cities - Second to Third Class, Boroughs, Towns, Townships,
Counties

(H.B. 825, P# 3581) Approved: 12-28-72 Effective: 12-28-72
Amends Section 1 of 1917 P.L. 1158, constables' fees, amended
1961 P.L. 1486 and 1965 P.L. 714.

Increases most fees, increases mileage allowance from 10 to
12 cents, and adds or deletes items and changes language to
conform to practice and usage; adds fees of \$5 plus mileage
for executing a warrant on behalf of a political subdivision
for each defendant, and \$5 for each arrest for violation of
any ordinance of any township or political subdivision.

13 P.S. 61

Act 83 Cities, Boroughs, Towns, Townships

(H.B. 1483, P# 2674) Approved: 5-26-72 Effective: 5-26-72
Amends 1939 P.L. 566, supplement to the unemployment compensation law, amended 1967 P.L. 533.

Deletes the requirement that the city, borough, incorporated town or township, or the Department of Forests and Waters (now Environmental Resources), be liable for compensation for all members of its volunteer ambulance corps, volunteer fire companies or departments, or forest fire fighters in case of injury; requires that such volunteers be paid at the maximum rate provided in case of compensable injury; deletes the \$22.50 per week minimum for total disability for such volunteers.

77 P.S. 22a

Act 223 Cities, Boroughs, Towns, Townships

(H.B. 2478, P# 3506) Approved: 10-17-72 Effective: 10-17-72
Adds Sections 108, 301(c)(2), (d) and (e) and 444, and amends Sections 311 and 315 of the Pennsylvania Workmen's Compensation Act, reenacted and amended 1939 P.L. 520.

Defines "occupational disease"; qualifies persons with four years or more of public service in fire fighting for compensation for diseases of the heart and lungs caused by extreme over-exertion or exposure resulting directly from the fireman's employment. 77 P.S. 28, 411, 631, 602, 1013, 1002, 1011

NOTE: Acts 10, 11, 12, 13, 14 and 61 of 1972 also extensively amended and supplemented statutes relating to workmen's compensation. Because of the complexity of these amendments they are not included here. It is suggested that municipal officials and others concerned with this subject, refer directly to these Acts.

Act 341 Cities - First Class

(H.B. 435, P# 3541) Approved: 12-28-72 Effective: 12-28-72
Amends Sections 102(6)(a)(ii), 204, 503 and 506 of the State Employees' Retirement Code of 1959, P.L. 392, Section 102 amended 1968 P.L. 1156.

Includes any judge of the Traffic Court of Philadelphia within the meaning of "State employee" and permits any former magistrate of the City of Philadelphia, who became a judge of the Municipal Court or Traffic Court of Philadelphia on January 1, 1969, to join the State Employees' Retirement System and to receive credit for service by withdrawing his contributions to the City of Philadelphia retirement system and paying into the State Employees' Retirement System the

amount he would have paid as employe contributions, plus statutory interest, had he been a State employe during his period of service as a former magistrate, as determined by the State Employees' Retirement Board.

71 P.L. 1725—102, 204, 503, 506

Act 32 Cities - Second Class, Authorities in Second Class Cities

(H.B. 662, P# 2331) Approved: 3-3-72 Effective: 3-3-72;
increase applicable to payments
on and after January 1, 1972.

Amends Section 4(c) of 1915 P.L. 596, second class cities,
pension fund, amended 1969 P.L. 76.

Provides that an employe who retired or was pensioned on or before December 31, 1962, and receives a pension of \$275 or less a month, be paid an additional \$15 per month.

53 P.S. 23564 (c)

Act 266 Cities - Second Class, Authorities in Second Class Cities

(H.B. 2388, P# 3377) Approved: 10-26-72 Effective: 10-26-72

A supplement to 1915 P.L. 596, pension funds for employes of second class cities.

Provides that every city or authority employe otherwise eligible to join the pension fund but ineligible because he did not join within the times specified in that act, shall have the option of joining within one year after the effective date of this supplement; he shall receive full credit toward his pension for each year of service upon his producing proof, satisfactory to the pension board, of the number of years of service and upon making back payments at the rate he would have if a member of the fund, in a lump sum or by installments; if he is retired before back payments have been completed, his annuity will be reduced by an equivalent amount.

53 P.S. 23579

Act 34 Cities - Second Class

(H.B. 1125, P# 2483) Approved: 3-3-72 Effective: 3-3-72

Amends Sections 11.3 and 13.1 and adds Section 14.6 to 1935 P.L. 233, added 1963 P.L. 1299, police pension fund in second class cities.

Requires that any person electing to join the pension fund pay one-half of 1 per cent of his wages from August 27, 1963, or from date of employment by the Bureau of Policy, whichever is later; requires that beneficiaties who have retired prior to January 1, 1966, be paid an additional \$15 per month; authorizes city council to adopt, by ordinance, a plan of survivorship benefits in monthly awards of such amount as the council determines, to be paid out of the city's general fund. 53 P.S. 23654.3, 23657, 23662.2

Act 36 Cities - Second Class

(H.B. 1263, P# 2484) Approved: 3-3-72 Effective: 3-3-72
Amends Section 12 and adds Section 12.5 to 1933 P.L. 1050, pension fund for firemen in second class cities.

Requires that beneficiaries who have retired prior to December 13, 1965, be paid an additional \$15 per month; authorizes city council to adopt, by ordinance, a plan of survivorship benefits in monthly awards of such amounts as the council determines, to be paid out of the city's general fund. 53 P.S. 23613 (c), 23617.1

Act 313 Cities - Second Class

(H.B. 2147, P# 2839) Approved: 12-6-72 Effective: 12-6-72
Amends Section 5 of 1933 P.L. 1050, pension fund for employes of the bureau of fire in second class cities, amended 1968 P.L. 70.

Deletes the provision designating the chief clerk of the Department of Public Safety as the secretary-treasurer of the board, and provides that the elected members of the board shall appoint a secretary-treasurer and fix his compensation. 53 P.S. 23605

Cities - Second Class

Act 324 (H.B. 2598, P# 3614) Approved: 12-6-72 Effective: 12-6-72
Act 325 (H.B. 2599, P# 3615) Approved: 12-6-72 Effective: 12-6-72
Amends, respectively, Section 13.1 of 1935 P.L. 233, pension fund for employes of the bureau of police in second class cities, added 1955 P.L. 979, and Section 12.1 of 1933 P.L. 1050, pension fund for employes of the bureau of fire in second class cities, added 1953 P.L. 978.

Provide that, in addition to other benefits, city council may, by ordinance, pay beneficiaries of the respective funds who retired on or before December 31, 1968, an additional \$40 per month. 53 P.S. 23657; 23614

Act 311 Cities - Third Class, Counties - Second Class A and Third Class

(H.B. 2006, P# 2614) Approved: 12-6-72 Effective: 12-6-72
Adds Section 19.2 to 1931 P.L. 1379, board for the assessment
and revision of taxes in second A and third class counties.

Provides that whenever a third class city elects to accept the provisions of this Act, all former city employees in the office of the city assessor who are employed in the office of the county assessor and who are members of the city's pension or retirement system may, notwithstanding the provisions of the County Pension Law (1971 P.L. 398, 16 P.S. 11651 et seq.), relating to compulsory membership, file an election with the county commissioners and the city pension board within one year after they become county employees, to retain their membership in the city pension or retirement system; requires the county to deduct from the employees' salaries the amounts of their contributions to the pension or retirement system of the city and to pay the deductions to the city system; provides that a member who elects to retain his membership in the city pension or retirement system may not thereafter elect to become a member of the county's retirement system.
72 P.S. 5350j.2

Act 118 Boroughs, Towns, Townships

(H.B. 1726, P# 2789) Approved: 6-15-72 Effective: 6-15-72;
applies to all persons retiring and to all contributions payable on or after April 1, 1972.
Amends Sections 5 and 6 of 1955 P.L. 1804 (Act 600), police pensions in boroughs, towns, and townships, amended 1957 P.L. 676, 1961 P.L. 275 and 1965 P.L. 1042.

Reduces Federal Social Security integration with retirement benefits from 100 per cent to up to 75 per cent (corresponds with Federal Internal Revenue Service regulations); and revises the members' payment formula for integrated plans to the ratio of 3 per cent of monthly compensation corresponding to the percentage of offset subtracted from 5 per cent of the member's compensation.
53 P.S. 711-2

Act 72 Townships - First Class

(H.B. 461, P# 504) Approved: 5-17-72 Effective: 7-16-72
Amends Section 640 of the First Class Township Code, 1949 P.L. 1955.

Permits probationary periods of not less than six months nor more than one year for new employees of the police force and fire department.
53 P.S. 55640

Act 109 Townships - Second Class

(H.B. 1377, P# 2024) Approved: 6-9-72 Effective: 8-8-72
Amends Section 702 (XLV) of the Second Class Township Code,
reenacted and amended 1947 P.L. 1481 and amended 1965 P.L.
457.

Authorizes the township supervisors to employ a certified
public accountant registered in Pennsylvania, a firm of
certified public accountants so registered or a competent
public accountant or a competent firm of public accountants
to audit the accounts of the township and the township officers,
and requires that the above be appointed at least 30 days
prior to the close of the fiscal year. 53 P.S. 65745

Act 256 Townships - Second Class

(H.B. 1374, P# 3460) Approved: 10-26-72 Effective: 12-25-72
Amends Section 515 of the Second Class Township Code, 1947
P.L. 1481 amended 1970 P.L. 909.

Permits a supervisor to be compensated for the use of a
Class 2 truck having a maximum gross weight of 7,000
pounds for transportation of laborers, their tools and
materials for road repair, as the auditors shall determine
and approve. 53 P.S. 65515

Act 81 Counties, County Authorities

(H.B. 1740, P# 2167) Approved: 5-22-72 Effective: 7-21-72
Adds Subdivision (h) and Section 2199 to Article XXI of
the County Code, 1955 P.L. 323.

Authorizes the commissioners of any county to acquire,
construct, improve, maintain and operate, own or lease
general hospitals within the county for the benefit of the
residents of the county and to appropriate county monies
for such purposes, or to create municipal authorities and
appropriate monies to such authorities; authorizes the
commissioners to charge reasonable compensation for the care
and treatment of patients. 16 P.S. 2199.5 to 2199.8

Counties

(H.B. 78, P# 1194) Approved: 6-1-72 Effective: 6-1-72
Amends Section 2301.1 of the County Code, 1955 P.L. 323,
added 1961 P.L. 776 and amended 1965 P.L. 1053.

Authorizes the county commissioners of all classes of counties to determine when the county court house and all other county offices will be open, except voters' registration offices which this Act requires to be open during ordinary business hours on the two Saturdays prior to termination of registration prior to the primary and general and municipal elections.

16 P.S. 2301.1

Counties

(H.B. 1515, P# 1844) Approved: 12-6-72 Effective: 12-6-72
Adds Section 1252 and amends Section 1630, added 1967 P.L. 244,
of the County Code, 1955 P.L. 323.

Authorizes the coroner to appoint a person learned in the law as his solicitor to advise the coroner on all legal matters submitted to him and to conduct any litigation in connection with the coroner's office when requested to do so by the coroner; authorizes the county commissioners to appropriate money for the payment of a solicitor appointed by a coroner.

Counties - Second Class

(H.B. 1801, P# 2820) Approved: 6-23-72 Effective: within 30 days
of approval

Amends and adds Section 1.1 to 1961 P.L. 566, prothonotary's fees in Second Class Counties, amended 1969 P.L. 106.

Generally revises the prothonotary's fee schedule; requires that 50 cents from each of specified fees, including appeals to the Court of Common Pleas, be remitted monthly to the county treasurer for the use and benefit of the public law libraries in second class counties. 17 P.S. 1592, 1592.1

Act 211 Counties - Third Class

(S.B. 1442, P# 1789) Approved: 10-6-72 Effective: 10-6-72
Amends Section 412 (b) of the Election Code, 1937 P.L. 1333,
amended 1968 P.L. 451.

Provides that in counties of the third class, election
officers and clerks shall receive additional compensation of
\$2 for each 50 votes or fraction thereof after the first 100
votes cast in any election district in any primary or election
but not more than \$39 for one primary or election.

25 P.S. 2682 (b)

Act 4 Counties - Third to Eighth Classes

(H.B. 362, P# 393) Approved: 1-26-72 Effective: 3-26-72
Amends Section 1947 (a) of the County Code, 1955 P.L. 323,
amended 1956 P.L. 1352.

Gives the county commissioners the power of eminent domain
to acquire property within or partly within the county for
flood prevention and control purposes.

16 P.S. 1947 (a)

Act 235 Counties - Third to Eighth Classes

(H.B. 586, P# 638) Approved: 10-18-72 Effective: 12-17-72
Amends Section 444 (b) of the County Code, 1955 P.L. 323,
as amended 1967 P.L. 966.

Increases from \$50 to \$100 the maximum annual meeting expense
for jury commissioners to be paid by the county.

16 P.S. 444 (b)

Act 236 Counties - Fifth and Sixth Classes

(H.B. 587, P# 639) Approved: 10-18-72 Effective: 12-17-72
Amends Section 904 of the County Code, 1955 P.L. 323, as
amended 1968 P.L. 226.

Permits commissioners of fifth and sixth class counties
to appoint an assistant solicitor.

16 P.S. 904

Act 110 School Districts

(H.B. 1461, P# 2303) Approved: 6-9-72 Effective: 8-8-72
Adds Section 779 to the Public School Code of 1949, P.L. 30.

Authorizes the board of school directors of any school district to make rules and regulations not inconsistent with the provisions of the Vehicle Code or any local ordinance for the admission, control and movement of vehicles and the parking of vehicles on school property. 24 P.S. 7—779

Act 302 School Districts

(S.B. 1532, P# 2177) Approved: 12-6-72 Effective: 2-4-73
Amends Section 516.1 of the Public School Code of 1949, P.L. 30, amended 1969 P.L. 468.

Increases the maximum reimbursement for lodging and meals from \$25 to \$30 per day and the mileage allowance from 10 cents to 12 cents per mile to be paid to school directors and other authorized school district personnel for attendance at meetings of educational or financial advantage to the district; provides that reimbursement for members of an intermediate unit board of directors or school district board of directors for attendance at meetings called by the board of directors may not exceed an average of four meetings per month per annum. 24 P.S. 5—516.1

Compensation of Public Officials

Report No. 1 of the Commonwealth Compensation Commission Transmitted to the Governor, the Chief Justice of the Supreme Court, and the presiding officer of each House of the General Assembly, 6-22-72, pursuant to Section 14.1 (b) of 1956 P.L. 1959, added 1971 P.L. 157 (46 P.S. 5-6) (2 Pa. B. 1248).
Effective: 8-21-72

Rejected except to the extent it provided a salary greater than \$15,600 and expense allowance greater than \$2,500 for members of the General Assembly except Senators elected in 1970, an additional expense allowance greater than \$6,000 for Senators elected in 1970, and a salary increase greater than \$2,500 for any member of the executive or judicial branch of government specified in the report, by Concurrent Resolution No. 100, adopted by the Senate 8-16-72; adopted by the House, 8-17-72; signed by the Governor 8-19-72.

Report No. 2 of the Commonwealth Compensation Commission
Transmitted: 11-30-72(2 Pa. B. 2354) Effective: 1-29-73

Establishes salary scale: Governor, \$60,000; Lieutenant Governor, \$45,000; Auditor General and State Treasurer, \$42,500; Attorney General and Secretaries of Education, Public Welfare and Transportation, \$40,000; Secretaries of Environmental Resources, Health, Labor and Industry, Revenue and State Police Commissioner, \$37,500; Adjutant General, Insurance Commissioner, and Secretaries of Agriculture, Banking, Commerce, Commonwealth, Community Affairs and Property and Supplies, \$35,000; Supreme Court Chief Justice, \$52,500, Associate Judges \$50,000; Superior and Commonwealth Courts, President Judge, \$49,500, Associate Judges, \$48,000; President Judges of the Courts of Common Pleas, \$40,000 to \$42,000; other judges of Courts of Common Pleas, \$40,000; Philadelphia Municipal Court, President Judge, \$36,500, law judges, \$35,000, nonlaw judges, \$18,500; members of the General Assembly, reimbursement for actual expenses not to exceed \$5,000 per year.

Act 53 Employees

(S.B. 960, P# 1095) Approved: 3-23-72 Effective: 3-23-72
Amends Sections 2 (4), 4 (4) and 5 (4) of 1949 P.L. 1210, group life insurance, amended 1953 P.L. 350 and 1968 P.L. 939.

Deletes the limitations on term insurance under a group policy to \$20,000, or 1½ times the employee's basic annual earned income up to \$40,000. 40 P.S. 532.2, 532.4, 532.5

Act 192 Employees

(H.B. 2042, P# 2944) Approved: 7-12-72 Effective: 9-10-72
Adds Subsections 3 (b) and 9 (b.1) and amends Section 10 of the Wage Payment and Collection Law, 1961 P.L. 637 amended 1968 P.L. 1017.

Requires that wage deductions to be paid to a union must be paid within 30 days after such payments are required to be made to a union in case of dues or to a trust or pooled fund, or within 10 days after payment is required directly to the employee; adds additional penalties of \$500 and/or one year for intentional failure to pay over union dues within 30 days or within 60 days after filing of a claim by the employee

where no time for payment is specified, and adds the 60-day limit for employees' claims to entitlement of liquidated damages to the employee. 43 P.S. 260.3, 260.9 (b.1), 260.10

Act 177 Justices of the Peace

Eligible to join the State Employees' Retirement System.
See Act 177, p. 64.

Act 187 Labor Relations

(H.B. 116, P# 127) Approved: 7-12-72 Effective: 9-10-72
A new Act.

Prohibits the recruitment, supply, and employment of strike-breakers in place of employees involved in a labor dispute; prohibits advertisement for employees in place of employees involved in a labor dispute without mentioning the dispute; imposes penalties; repeals 1937 P.L. 1982.

43 P.S. 217.21 to 217.27

IV. APPROPRIATIONS

Act 310 Cities, Boroughs, Towns, Townships, Counties, Authorities

(H.B. 1907, P# 3572) Approved: 12-6-72 Effective: 12-6-72
Amends Section 20 of the Land and Water Conservation and
Reclamation Act, 1967 P.L. 996.

Appropriates \$40 million to the Department of Environmental Resources for two fiscal years beginning July 1, 1971, for grants to political subdivisions and municipal authorities for the construction, reconstruction and improvement of municipal sewage treatment plants, including related planning, provides that expenditures from this appropriation shall not be subject to the limitation in Section 16 (c) that expenditures for any two-year period may not exceed 20 per cent of the total amount allocated for the program (\$100 million) by the Land and Water Conservation and Reclamation Act for use over the 10-year program period; provides that the appropriation shall be nonlapsing.

32 P.S. 5120

Act 66-A Cities, Boroughs, Towns, Townships, Counties

(S.B. 1670, P# 2089) Approved: 12-6-72 Effective: 12-6-72
A new Act.

Appropriates \$2,100,000 from the Motor License Fund to the Department of Transportation for a deficiency in an appropriation by the Motor License Fund Supplement to the General Appropriation Act of 1971, for payments to municipalities to assist in maintenance and construction costs of roads; provides that, in addition to this amount, all moneys received from the Federal Government or from any other source as contributions to or payments for this program shall be paid into the Motor License Fund and credited to this appropriation.

Act 13-A Counties

(H.B. 1867, P# 2761) Approved: 5-22-72 Effective: 5-22-72
A new Act.

Appropriates \$54,100,000 to the Department of Public Welfare for assistance payments and county administration of the public assistance programs and medical assistance, to provide for a deficiency in an appropriation made by the General Appropriation Act for the fiscal year ending June 30, 1972.

Capital Budget

Act 1	(H.B. 1595, P# 1942)	Approved: 1-24-72	Effective: 1-24-72
Act 2	(H.B. 1596, P# 1943)	Approved: 1-24-72	Effective: 1-24-72

Act 1 authorizes and directs the Governor, Auditor General and State Treasurer to borrow up to \$8,738,100 as necessary to carry out acquisition of original equipment and furniture to complete public improvement projects as itemized in the current capital budget, through the issue of Commonwealth general obligation bonds to mature in not more than 10 years; appropriates the net proceeds of the sale of such obligations to the Department of Property and Supplies to finance such acquisition.

Act 2 is the Capital Budget Act for Fiscal Year 1971-72, Public Improvement Project Itemization Supplement--Department of Property and Supplies; total project authorization is \$8,738,100. Projects listed are at State- and State-related schools, colleges and universities; State parks and museums; and State hospitals.

Capital Budget

Act 166	(H.B. 1593, P# 2947)	Approved: 6-30-72	Effective: 6-30-72
Act 167	(H.B. 1594, P# 2948)	Approved: 6-30-72	Effective: 6-30-72

Act 166, pursuant to Article VIII, Section 7 (a) (4) of the constitution and the Capital Facilities Debt Enabling Act, 1968 P.L. 550, authorizes and directs the Governor, Auditor General and State Treasurer to borrow up to \$61,683,027 as necessary to carry out the acquisition and construction of public improvement projects, through the issue of Commonwealth general obligation bonds to mature in not more than 30 years.

The Act 167 is the Capital Budget Act for the Fiscal Year 1971-72, Public Improvement Project Itemization Supplement - The General State Authority, listing base construction, land, acquisition and total costs for additional capital public improvement projects to be acquired or constructed by the General State Authority.

Act 217 Capital Budget

(H.B. 2282, P# 3033) Approved: 10-11-72 Effective: 10-11-72
The Capital Budget Act for 1972-73 Fiscal Year.

Provides for general maximum debt limits for the remainder of the year and until enactment of the 1973-74 Capital Budget Act at \$4 million for community college projects, General Fund; \$250 million for highway projects, Motor License Fund; \$200 million for General State Authority projects and \$10 million for Property and Supplies projects, General fund or special funds as applicable; and \$75 million for transportation assistance projects, General Fund; total, \$539 million.

Capital Budget

Act 274 (H.B. 2283, P# 3327) Approved: 11-15-72 Effective: 11-15-72
Act 275 (H.B. 2284, P# 3500) Approved: 11-15-72 Effective: 11-15-72

Respectively, debt authorization and the Public Improvement Project Itemization Supplement--Department of Property and Supplies, for the fiscal year 1972-73 totaling \$10,512,400, for State and State-related colleges and universities, State parks, Railroad museum and State general hospitals.

Act 14-A Biological Control

(S.B. 1036, P# 1743) Approved: 5-26-72 Effective: 5-26-72
A new Act.

Appropriates \$250,000 to the Department of Environmental Resources for the period ending June 30, 1973, for establishing and conducting a forest insect biological control program in Pennsylvania.

Act 58-A Civil Air Patrol

(H.B. 2286, P# 3329) Approved: 11-15-72 Effective: 11-15-72
A new Act.

Appropriates \$15,000 to the Department of Transportation for payment of services under contract with the Pennsylvania Wing, Civil Air Patrol, for the fiscal year 1972-73.

Act 15-A Drug Abuse Education

(S.B. 1193, P# 1453) Approved: 6-1-72 Effective: 6-1-72
Amends Section 2 of the General Appropriation Act of 1971,
Act 27-A.

Expands the use of the funds appropriated to the Departments of Education and Health and the State Police for drug education, training and enforcement from only programs provided for in the Pennsylvania Drug, Narcotic and Alcohol Abuse Control Act to broader programs in education and training on drug, narcotic and alcohol abuse and treatment and rehabilitation because of the abuse of drugs, narcotics or alcohol.

Act 18-A Flood Relief

(H.B. 1754, P# 3240) Approved: 7-7-72 Effective: 7-7-72
A new Act.

Appropriates \$113 million to the Governor for emergency and disaster relief especially in connection with the Tropical Storm and Flood damage of June, 1972, for alleviation of human hardship and suffering and for the protection of property, and for reimbursement to State Departments and Agencies for their participation in disaster relief activities; appropriates \$25 million to the Governor for use by the Department of Public Welfare for assistance payments and administration of public assistance and medical assistance in connection with the June Storm and Flood, and requires the Department to allocate funds from this appropriation for administrative expenses of the county Boards of Assistance; appropriates \$10 million to the Governor for use of the Department of Health for health services in connection with the disaster; and appropriates \$2 million to the Governor for use by the Department of Environmental Resources for general government operations in connection with the disaster; and provides that in addition, any Federal or other funds received for disaster relief shall be paid to the General Fund and credited to the respective appropriations.

Act 17-A General Appropriation

(H.B. 2275, P# 3239) Approved: 7-7-72 Effective: 7-7-72
A new Act, known as The General Appropriation Act of 1972.

Makes specific appropriations from the General Fund to the agencies of the Executive, Legislative and Judicial Departments of the Commonwealth for general operations for the fiscal

year beginning July 1, 1972. Appropriations include: Governor's Council on Drug and Alcohol Abuse, \$254,447; Governor's Office for Human Resources, \$102,000; Human Relations Commission, \$1,816,000; Office of State Planning and Development, \$802,000; Pennsylvania Council on the Arts, \$236,000; Agriculture, reimbursement to law enforcement agencies for kennel construction, \$30,000; Commerce, planning grants to industrial development agencies, \$500,000; industrial construction loans through PIDA, \$2,000,000; site development, \$800,000; grants to Appalachia districts, \$50,000; State's share of the cost of the Appalachia program, \$274,000; tourist promotion grants, \$1,000,000; Community Affairs, general operations, \$3,188,000; housing assistance, \$1,000,000; TEAM, \$1,000,000; grants to community action agencies, \$1,300,000; grants to councils of government, \$30,000; planning assistance, \$175,000; Education, basic school district subsidies, \$1,050,780,000; grants to public libraries, \$6,839,000; community college operating expenses, \$18,235,000, and capital expenses, \$8,194,000; Environmental Resources, grants to local governments and authorities for planning solid waste disposal systems, \$150,000; grants for sewage treatment plants, \$10,350,000; for sewage system planning grants, \$250,000; reimbursement for Sewage Facilities Act enforcement, \$160,000; municipalities for flood control acquisition, \$500,000; in-lieu payments on water conservation and flood control lands, \$9,000; on forest lands, \$397,000; on Project 70 lands, \$325,000; Health, aid to counties for local health departments, \$7,051,000; Justice, grants for development of juvenile probation services, \$1,320,000; Board of Probation and Parole, grants to counties for new or additional probation services, \$1,150,000; property and Supplies, inventory of State-owned and leased property except highway rights-of-way, \$575,000; Public Welfare, Mental Health/Retardation, \$262,984,000; public assistance/medical assistance, \$650,284,000; grants to political subdivisions for services for the aging, \$494,000; counties for child welfare programs, \$31,988,000; grants to political subdivisions for juvenile probation/crime prevention, \$1,500,000; Revenue, distribution of the public utility realty tax, \$25,000,000; Transportation, urban mass transportation assistance, \$42,000,000; General Assembly, Local Government Commission, \$165,000; Judiciary, courts of common pleas, \$10,007,000; district justices, \$6,558,000; for payment to counties in reimbursement for court costs, \$17,000,000. Where applicable, appropriations are exclusive of Federal program grants or other receipts.

Act 19-A General Appropriation

(H.B. 2276, P# 3027) Approved: 7-7-72 Effective: 7-7-72
A new Act, known as the Motor License Fund Supplement to the General Appropriation Act of 1972.

Makes specific appropriations from the Motor License Fund to Commonwealth agencies for general operations for the fiscal year beginning July 1, 1972. Appropriations include: Department of Transportation, aviation operations, \$3,650,000; airport construction and development including assistance to political subdivisions and authorities, \$3 million; Treasury, refunding liquid fuels tax for use of political subdivisions, \$300,000; Revenue, liquid fuels administration and enforcement, \$1,617,000. Where applicable, appropriations are exclusive of Federal program grants or other receipts.

Act 22-A Housing and Redevelopment Assistance

(H.B. 2287, P# 3038) Approved: 10-16-72 Effective: 10-16-72
A new Act.

Appropriates \$19,500,000 to the Department of Community Affairs for grants for housing and redevelopment assistance as authorized by the Housing and Redevelopment Assistance Law, 1949 P.L. 1633 (35 P.S. 1661 et seq.), and for costs of administration up to 2 per cent of the appropriation; provides that no more than 20 per cent of the total shall be allocated or granted to any one political subdivision.

Act 52-A Payments in Lieu of Taxes

(H.B. 2290, P# 3041) Approved: 10-26-72 Effective: 10-26-72
A new Act.

Appropriates \$35,000 from the Game Fund and \$12,000 from the Fish Fund to the Department of Environmental Resources for the fiscal year July 1, 1972, to June 30, 1973, for payment of annual fixed charges in lieu of taxes to political subdivisions or school districts on land acquired by the Commonwealth under Project 70.

Act 10-A Tourist Promotion

(H.B. 1605, P# 1980) Approved: 3-23-72 Effective: 3-23-72
A new Act.

Appropriates \$150,000 to the Department of Commerce for the fiscal year beginning July 1, 1971 for grants to tourist promotion agencies.

V. STATE GOVERNMENT TAXATION, ORGANIZATION AND PROCEDURES

Act 247 Cities, Boroughs, Towns, Townships, Counties, School Districts
Construction projects: See Act 247, p. 18.

Cities, Boroughs, Towns, Townships, Counties, School Districts

Act 112 (H.B. 1836, P# 2609) Approved: 6-9-72 Effective: 6-9-72
Act 115 (H.B. 1847, P# 2610) Approved: 6-9-72 Effective: 6-9-72
A new Act.

Transfer parcels of land to the Department of Transportation from Bucks and Centre Counties, respectively, pursuant to Section 20 (b) of the Project 70 Land Acquisition and Borrowing Act of 1964, P.L. 131; both acts allow the Secretary of Transportation to acquire from a State agency or political subdivision land acquired with Project 70 funds; requires that the proper State agency or political subdivision must approve such acquisition by resolution or ordinance; allows the Secretary to acquire suitable substitute land to convey to the State agency or political subdivision or to pay to same the fair market value of the land; lands acquired pursuant to the specified procedure are released from statutory restrictions on use. (Opinion of the Attorney General, Opinion No. 10, 1-22-73, 3 Pa. B. 259)

Act 20 Cities, Boroughs, Towns, Townships, Counties

Uniform Interstate Air Pollution Agreement Act: See Act 20, p. 18.

Act 63 Cities, Boroughs, Towns, Townships, Counties

(H.B. 850, P# 2697) Approved: 4-4-72 Effective: 6-13-72
A new Act, known as the Pennsylvania Drug and Alcohol Abuse Control Act.

Creates a Governor's Council on Drug, Narcotic and Alcohol Abuse with the responsibility to develop and coordinate a comprehensive health, education and rehabilitation program for prevention and treatment of drug and alcohol abuse and

dependence; included within the State plan will be the creation of new programs and the coordination of the efforts of all State, Federal, local and private agencies in the control, prevention, treatment, rehabilitation, research and training aspects of drug and alcohol abuse and dependence problems, including the development of model drug and alcohol abuse and dependence plans for local governments; provides for treatment and rehabilitation services for drug and alcohol abusers charged with, convicted of, or serving sentences for criminal offenses; provides for grants and contracts from the appropriate State department or agency for the prevention and treatment of drug and alcohol dependence which may include assistance to local governments and public and private agencies, institutions and organizations for prevention, treatment, rehabilitation, research, education and training aspects of the drug and alcohol abuse and dependence programs. (See also Acts 64, 158, 181 and 263, pp. 49-50, and Act 162, p. 88.
50 P.S. 2201 to 2215

Act 209 Townships

(S.B. 1078, P# 1254) Approved: 10-6-72 Effective: 10-6-72
Amends Section 2006 (d) of the Administrative Code, 1929 P.L. 177.

Removes from the Department of Transportation the duty to supply record books to township officers. 71 P.S. 516 (d)

Act 43 School Districts

(H.B. 374, P# 2026) Approved: 3-23-72 Effective: 3-23-72
Amends Section 739 of the Public School Code, 1949 P.L. 30.

Provides that beginning January 1, 1973, new school buildings and additions equipped with windows and with no emergency fire rescue doors to the outside, be equipped with escape windows of types and at locations as may be approved by the Department of Labor and Industry. 24 P.S. 7-739

Act 244 Academic Facilities, Auctioneers

(H.B. 2085, P# 3198) Became law without Effective: 12-20-72
Governor's signature 10-21-72

Amends Section 202, adds Section 476, repeals Sections 1314 and 1315 and adds Section 1317 (b) (3.1) to the Administrative Code of 1929, P.L. 177.

Abolishes the State Commission on Academic Facilities and transfers to the State Board of Education its functions to act on behalf of the State, any school district or any public or private institution of higher education in applying for, receiving and administering Federal grants, appropriations, allocations and programs for the development of academic facilities, to develop and submit to the Federal government state plans and to decide priorities with relation to participation in such programs; establishes a State Board of Auctioneer Examiners in the Department of State, consisting of the Commissioner of Professional and Occupational Affairs and five licensed auctioneers. (See Act 119, p. 3,)

71 P.S. 62, 180—6, 367 (b) (3.1) (Repeals, 364, 365)

Act 246 Charitable Organizations

(H.B. 1446, P# 2565) Approved: 10-26-72 Effective: 12-25-72
Amends the Solicitation of Charitable Funds Act, 1963 P.L. 628.

Increases the registration fee from \$10 to \$25 for any charitable organization which engages a professional solicitor or professional fund-raising counsel and/or spends 7 per cent or more of contributions received for administration purposes, and received gross contributions of \$25,000 or less from the public in the preceding year; and to \$100 if such contributions were in excess of \$25,000; requires disapproval of registration for any organization for a false statement, or if the organization has been involved in a fraudulent enterprise or if the solicitation would be a fraud on the public, or if total solicitation and fund-raising expenses including allocable salary and overhead costs during any of the preceding three years, or for the projected year, have been or would be more than 35 per cent of total pledges and contributions and prohibits such organizations from incurring obligations for solicitation and fund-raising in excess of 35 per cent of contributions; expenses higher than 35 per cent may be allowed for special circumstances; increases the registration fee for a professional counsel or professional solicitor from \$50 to \$100; and permits refusal or withdrawal of registration of any organization or professional for violation of the act or for false statements. 10 P.S. 160—1 et seq.

Act 181 Drug and Alcohol Abuse Education

(S.B. 523, P# 1886) Approved: 7-12-72 Effective: 7-12-72
A new Act.

Provides for the Secretary of Education, in accordance with the State Plan, to assist projects designed to further education concerning the causes and effects of and treatment for drug and alcohol abuse and dependence, by making grants for various projects, evaluations of curricula, making grants to institutions of higher education, local institutions, and other public or private agencies, institutions or organizations; allows for students knowledgeable about drug abuse problems to be included in any program; requires the Governor's Council on Drug and Alcohol Abuse, in conformity with the State Plan and regulations promulgated by the Secretary, to act on applications for assistance; allows the Secretary to render technical assistance to local agencies in the development and implementation of programs of drug and alcohol abuse.

24 P.S. 5311 to 5315

Act 64 Drug Control

(H.B. 851, P# 2698) Approved: 4-14-72 Effective: 6-13-72
A new Act, known as the Controlled Substance, Drug, Device and Cosmetic Act.

Regulates the manufacture, sale and possession of drugs, devices and cosmetics; establishes schedules of controlled drugs and dangerous substances and gives the Secretary of Health the authority to control all substances enumerated on these schedules; prohibits any person within the Commonwealth from operating as a manufacturer, distributor or retailer of controlled substances, other drugs and devices and from selling, offering for sale or soliciting the purchase of controlled substances, other drugs and devices or holding them for sale or resale unless such person has registered with the Secretary of Health, and requires annual registration; establishes a list of prohibited activities dealing with controlled substances, other drugs, devices and cosmetics and provides penalties; creates the Pennsylvania Drug, Device and Cosmetic Board and authorizes the Secretary of Health to establish a Bureau of Drug Control within the Department of Health to administer the provisions of this act.

35 P.S. 780—101 to 780—143

Act 158 Drug Control

(H.B. 2095, P# 2753) Became law without Governor's signature: 6-27-72 Effective: 6-27-72

Adds Section 44, effective dates, to the Controlled Substance, Drug, Device, and Cosmetic Act Act 64 of 1972 (p. 49).

Provides that the entire act takes effect June 14, 1972, except Sections 13, 14, 15, 20 and 39 (prohibited acts and penalties, distribution to persons under age 18, second or subsequent offenses, offenses by a corporation, copartnership or association, and pending proceedings) which take effect immediately (April 14, 1972). 35 P.S. 780—101 note

Act 263 Drug Control

(H.B. 2130, P# 3462) Approved: 10-26-72 Effective: 10-26-72 Amends Sections 2(b), 13(a), 13, 14, 15, 17, 18 and 19(a) of the Controlled Substance, Drug, Device and Cosmetic Act, Act 64 of 1972 (p. 49).

Requires the Governor's Council on Drug and Alcohol Abuse, in accordance with Federal narcotic and food and drug laws, to allocate the responsibility for approving and designating clinics where controlled substances, including methadone, may be prescribed, administered or dispensed for treatment of drug dependency; limits the imposition of double the prescribed sentence for a second offense of manufacturing or delivering a controlled substance to those whose first conviction was for the same or a similar offense, and for a second offense of distributing to a person under 18 by a person 21 or over, to persons not themselves drug-dependent; requires that a person, to be eligible for probation without verdict, must prove himself a drug abuser to the satisfaction of the court; and limits the expunging of criminal records in case of withdrawal, dismissal or acquittal of drug-related charges, to the records pertaining to the individual involved.

35 P.S. 780—102 et seq.

Act 360 Equal Rights

(H.B. 1000, P# 3459) Approved: 12-29-72 Effective: 2-27-73 Amends the Pennsylvania Fair Educational Opportunities Act, 1961 P.L. 776.

Prohibits discrimination in educational institutions because of sex, except that educational institutions which are neither State-owned, State-related nor State-aided are not prohibited from drawing enrollment entirely from members of one sex, or from the sexes in any proportion; identifies the colleges and universities to be considered State-owned, related or aided, and permits them to require applicants for admission to state their sex for planning purposes only; requires the Human Relations Commission to consider the institution's educational programs and the number of admissions necessary to maintain programs and departments at educationally and economically feasible levels, and exempts until July 1, 1978, a school of medicine which formerly admitted only female students and is in a process of change to admitting both sexes so long as it carries out a plan which complies with Federal law; also brings religious and denominational institutions within the scope of the entire Act, except that such institutions are permitted to practice religious discrimination.

24 P.S. 5002, 5004, 5006, 5007, 5009

Act 3 Flood Relief - Eminent Domain
SS-1

(1/H.B. 8, P# 30) Approved: 9-1-72 Effective: 10-31-72
Amends Section 602 of the Eminent Domain Code, 1954 P.L.
84, as amended 1971 P.L. 635.

Provides that in case of the condemnation of property in connection with any highway project in which the property to be condemned has been damaged by floods, the flood damage shall be excluded in determining fair market value of the condemnee's property interest immediately before the condemnation, provided that the flood damage occurred within three years of the date of taking and during the ownership of the property by the condemnee; applies only to actual physical damage to the property for which the condemnee has not received any compensation or reimbursement. This amendment applies to all highway projects damaged by the June, 1972, flood whether or not property acquisition had commenced prior to June, 1972.

26 P.S. 1-602

Act 212 Harness Racing

(H.B. 1343, P# 2824) Became law without Effective: 12-9-72
Governor's signature:
10-10-72

(Vetoed by the Governor 6-15-72, Veto No. 5; veto overridden by the House 9-20-72, and by the Senate 9-27-72.)

Amends Section 16(a) of 1959 P.L. 1978, amended 1967 P.L. 643.

Provides that determination of programs for marketing and consumer services and of agricultural research projects to receive payments from the Pennsylvania Fair Fund, be made by a committee comprised of the Secretary of Agriculture and three persons from his staff, the chairman and a minority member of the Agriculture Committee of each house of the Legislature, six persons designated by the State Council of Farm Organizations, the chairman of the State Harness Racing Commission or his designate, and one person each designated by the Cannery and Fruit Processors Association and the Association of County Fairs, and removes from the Secretary of Agriculture the authority to determine programs and projects to receive such payments; and creates subcommittees to meet each September to evaluate research projects and report findings and recommendations to the Secretary and the committee. 15 P.S. 2616 (a)

Act 364 Health Service

(H.B. 2171, P# 3610) Approved: 12-29-72 Effective: 12-29-72
A new Act, known as the Voluntary Nonprofit Health Service Act of 1972.

Permits corporations organized under Section 14 of the Non-profit Corporation Law added 1969 P.L. 86, 15 P.S. 7014, to establish, maintain and operate voluntary nonprofit health service plans by which health services are provided either at the expense of the corporations or through facilities or supplies furnished by the corporations to subscribers under contract, directly or through arrangements with others, including emergency, inpatient hospital, and physician care and outpatient services; provides for incorporation of corporations for these purposes, requires the Insurance Commissioner and the Secretary of Health to examine applications for their certification, and requires that foreign corporations be subject to the same examination and to provisions of this Act; requires approval by the Insurance Commissioner of health service contracts, and filing with the Commissioner of contracts including marketing, enrollment, administration, and health insurance; exempts corporations organized under this Act from laws relating to health service plans or insurance corporations, and provides for supervision by the Commissioner and the Secretary, including prior approval by the Commissioner of rates charged to subscribers, contracts with subscribers, rates paid to hospitals, solicitation costs, reserves and certificates, and prerequisites for agents or solicitors; provides for hearings, financial reports and penalties; specifies that corporations under the Act be free of State and local taxation; exempts plans offered by hospitals, medical care foundations and proprietary corporations, and existing plans so long as they remain substantially unchanged; and permits payroll deductions by consent of employees of State and local governments and State-aided institutions. 40 P.S. 1551 to 1568

R. P. 1 Migrant Labor Camps

(Reorganization Plan No. 1 of 1972, P# R. P. 1) Transmitted by the Governor 10-2-72

Adopted by the Senate: 11-20-72 Adopted by the House: 11-30-72

Effective: 11-30-72

Affects and suspends conflicting provisions of Section 9 of 1937 P.L. 654 (43 P.S. 25—9).

Transfers from the Department of Labor and Industry to the Department of Environmental Resources, functions, powers and duties with regard to the inspection and licensing of migrant labor camps. 71 P.S. 754—1

Act 278 Mine Subsidence

Transfers administrative functions and employees of the Coal and Clay Mine Subsidence Insurance Board to the Department of Environmental Resources.

See Act 278, p. 69.

Act 194 Nonpublic Schools

(H.B. 2151, P# 2846) Approved: 7-12-72 Effective: 7-12-72
Amends the Public School Code of 1949 P.L. 30.

Declares the intent of the General Assembly to assure the providing of auxiliary services in such a manner that every school child in the Commonwealth will equitably share; provides that each intermediate unit shall provide all auxiliary services as defined by the act to all children in grades kindergarten through 12 in nonpublic schools wherein the attendance requirements are met; the secretary shall each year reimburse each intermediate unit for the cost of providing such services up to \$30 per pupil enrolled in nonpublic schools within the area served by the intermediate unit.

24 P.S. 9—922—A

Act 195 Nonpublic Schools

(H.B. 2152, P# 2847) Approved: 7-12-72 Effective: 7-12-72
Amends the Public School Code of 1949 P.L. 30 by adding Section 922-A.

Declares the intent of the General Assembly to assure an equitable distribution of textbooks and instructional material to every school child; grants the Secretary of Education the power and duty to purchase textbooks and to loan such textbooks to children who are enrolled in grades kindergarten through 12 of nonpublic schools, up to \$10 per child residing in the Commonwealth on October 1 in grades kindergarten through 12; the Secretary shall have the power to acquire or purchase instructional materials and equipment for loan to nonpublic schools, up to \$25 per child.

24 P.S. 9—922—A

Act 204 Nonpublic Schools

(H.B. 2150, P# 3156) Approved: 9-22-72 Effective: 9-22-72
Amends Section 5 of the Parent Reimbursement Act for Nonpublic Education, Act 92 of 1971.

Reduces from 23 percent to 10 percent of the revenue derived pursuant to the Cigarette Tax Act (1970 P.L. 513), the amount to be paid into the Parent Reimbursement Fund beginning July 1, 1972.

24 P.S. 5705

Act 3 Reapportionment

(H.B. 1765, P# 2374) Approved: 1-25-72 Effective: 1-25-72
A new Act.

Apportions the districts of the Commonwealth for electing members of the House of Representatives of the U.S. Congress; reduces the number of representatives from 27 to 25; provides that the first election under this apportionment shall be the 1972 primary election (April 25,); and repeals 1966 P.L. 76 except for provisions for filling vacancies until Representatives elected in 1972 take office.

25 P.S. 2199.21 to .23

Act 361 State Conservation Commission

Transfer from the Department of Agriculture to the Department of Environmental Resources.
See Act 361, Counties, p. 68.

Act 248 State Game Lands

(H.B. 372, P# 403) Approved: 10-26-72 Effective: 10-26-72
Amends Section 903 of the Game Law, 1937 P.L. 1225 as amended
1955 P.L. 1736.

Increases from \$100 per acre to \$100 per acre exclusive of
Federal and other cost-sharing funds, the maximum price the
Game Commission may pay for land to be used as State Game
Lands. 34 P.S. 1311.903

Act 23 State Parks and Forests

(H.B. 1238, P# 1519) Approved: 2-17-72 Effective: 2-17-72
Amends Sections 1903-A(1) and 1906-A(4) of the Administrative
Code of 1929, P.L. 177, added 1970 P.L. 834.

Increases from 25 to 35 years the maximum period of time
for which the Department of Environmental Resources may
lease portions of State parks and forests to persons, corpor-
ations, associations, church organizations, or school boards
if substantial capital investment is involved, if it is
deemed in the best interests of the Commonwealth and if the
Governor approves. 71 P.S. 510—3 (1), 510—6 (4)

Act 117 State-Owned Property

(H.B. 1523, P# 2825) Approved: 6-15-72 Effective: 6-15-72
A new Act.

Requires the Department of Property and Supplies to prepare
a complete inventory of all State-owned or State-leased real
property other than highway rights-of-way including all buildings
and details relating to the property, no later than December
31, 1973, to be available for public inspection; requires that
the inventory be updated constantly, but the latest inventory
must be available for inspection in the Department's offices
by January 15 of each year; appropriates \$25,000 for the fiscal
year ending June 30, 1972, to begin implementation.

71 P.S. 1661.11, 1661.12

Act 24 State Police

(H.B. 1239, P# 1385) Approved: 2-17-72 Effective: 4-17-72
Amends Sections 1, 2, 3(a) and 4, repeals Sections 5, 11,
12 and 13 of 1927 P.L. 450, amended 1943 P.L. 123 and 1945
P.L. 620.

Includes fuel oil and excludes solid explosives from among substances for which the State Police may adopt regulations, and deletes State Police authority to adopt and enforce regulations requiring the placing of fire extinguishers in buildings; deletes authorization of the State Police to conduct formal inquiries beyond investigation of the origins and circumstances of fires and to enter buildings in the course of such investigations; repeals requirements of insurance companies to report to the State Police on each fire and of rate boards to make available information on the condition of insurable properties and on fire hazards in the various communities.

35 P.S. 1181-5, 1191-3

VI. ELECTIONS

NOTE: Amendments reducing legal age for elected officials, see Section XIII, Legal Age, p. 92.

Act 40 Cities, Boroughs, Townships, Counties

(H.B. 789, P# 2604) Approved: 3-17-72 Effective: 3-17-72
Amends Section 1002(b) of the Election Code, 1937 P.L. 1333.

Provides that the name of the county, city, borough, township or ward in which the candidate resides need not be printed after the names of candidates for delegate or alternate delegate to a national party convention. 25 P.S. 2962 (b)

Act 301 Cities, Boroughs, Towns, Townships, Counties, School Districts

(S.B. 1523, P# 1906) Approved: 12-6-72 Effective: 2-4-73
Amends Section 1301(k) of the Pennsylvania Election Code, 1937 P.L. 1333, added 1963 P.L. 707; adds Subsection 1302 (e.1).

Extends the use of an absentee ballot to any registered elector who, because of illness or physical disability, is unable to attend a polling place or operate a voting machine and secures assistance in voting as provided for in Section 1218 of the Code; provides for the placing of any such person who files a physician's certificate of permanent disability on a permanently disabled absentee ballot list file and for automatic mailing of absentee ballot applications to such persons for each primary or election as long as they do not lose their voting rights by failure to vote as otherwise required by the Code; exempts such persons from the requirement that a physician's certificate of disability be filed with each application and requires that a certificate be filed every two years in order to maintain eligibility to vote under the provisions of this subsection; requires any such person who recovers from his disability to inform the county board of elections. 25 P.S. 3146.1, 3146.2

Act 183 Cities - First Class
Act 184 Cities - Second to Third Class, Boroughs, Towns, Townships

(S.B. 1371, P# 1854) Approved: 7-12-72 Effective: 7-12-72
(S.B. 1372, P# 1855) Approved: 7-12-72 Effective: 7-12-72
Amend, respectively, Sections 17 (a) and 21 of the First Class City Permanent Registration Act of 1937, P.L. 115, amended 1956 P.L. 1746 and 1943 P.L. 855; and Sections 16(a) and 19 of 1937 P.L. 487 of the Permanent Registration Act for Cities of the Second Class, Cities of the Second Class A, Cities of the Third Class, Boroughs, Towns, and Townships, Section 16(a) amended 1955 P.L. 62.

Require that an elector must be a citizen of the United States, the Commonwealth, and the election district for at least 30 days prior to the general, municipal or primary election.
25 P.S. 623—17 (a), 21
25 P.S. 951—16 (a), 19

Act 353 Counties

(S.B. 225, P# 2189) Approved: 12-28-72 Effective: 1-12-73
Adds Section 1614 to the Pennsylvania Election Code, 1937 P.L. 1333.

Prohibits a candidate for public office, or political committee or party acting on his behalf, from placing any advertisement referring to the opposing candidate for the same office which is to be broadcast or published during the 48 hours immediately prior to an election or published in a weekly newspaper or periodical during the eight days prior to an election unless he has first given a copy of the material to be used and reasonable notice to the opposing candidate and the county board of elections of the county where the advertisement is to be placed in sufficient time for a reply advertisement to be published or broadcast at the same approximate time as the original advertisement; requires that the notice be given in writing by registered mail, return receipt requested; provides that violation is a summary offense carrying a maximum fine of \$300 and costs, or in default of payment, imprisonment for up to 30 days. 25 P.S. 3234

Act 211 Counties - Third Class

Compensation of election officers and clerks:
See Act 211, p. 36.

Counties - Third Class

(2/S.B. 4, P# 14) Approved: 10-6-72 Effective: 10-6-72
A supplement to 1955 P.L. 62, permanent registration.

Provides that in third class counties in which the voter registration records were destroyed by flood waters in June, 1972, the registration commission, any commissioner, registrar or clerk be required to register every qualified person claiming the right to be registered; authorizes daily, Sunday and holiday registrations until and including October 31, 1972; requires electors, if registered before the flood, to register under their address at that time but permits them to re-register under a different permanent address; permits any elector who was registered on the day of the 1972 primary election to vote in the November, 1972, general election at the polling place in the district where he was then registered whether or not he has re-registered; appropriates \$250,000 to the Department of State to reimburse counties for expenses of the re-registration.

School Districts

(H.B. 205, P# 226) Approved: 7-7-72 Effective: 7-7-72
Amends Sections 910, 976, 993(a), 998(a) and (b) and 1004
of the Pennsylvania Election Code, 1937 P.L. 1333 amended 1947
P.L. 1038 and 1358 and 1953 P.L. 1479.

Provides for cross-filing by candidates for school director
in any district where the office is elective.
25 P.S. 2870, 2936, 2953, 2958, 2964

Commonwealth Court

Retention election for original judges of the Commonwealth Court.
See Act 371, p. 62.

Reapportionment

Districts for House of Representatives, U.S. Congress:
See Act 3, p. 54.

VII. JUDICIAL AND COURT ADMINISTRATION, PROCEDURES

Act 226 Cities - First Class

(S.B. 1102, P# 1282) Approved: 10-18-72 Effective: 12-17-72
Amends Section 7 of 1860 P.L. 427, amended 1963 P.L. 672.

Provides for the fixing and admission of bail by law judges of the Municipal Court of Philadelphia, including those offenses bailable by courts of common pleas. 19 P.S. 51

Act 257 Counties

(H.B. 1783, P# 3105) Approved: 10-26-72 Effective: 12-25-72
Amends Section 2 of 1913 P.L. 912, which requires the county from which an escaped prisoner was originally sentenced to pay the costs related to his confinement, trial and return after escape, amended 1953 P.L. 217.

Includes as costs the charges for court stenographer, district attorney, witness fees, justice of the peace costs, clerk of court, public defender and court-appointed attorney; requires that costs be paid forthwith upon billing. 19 P.S. 1233

Act 123 Counties

Lowers age limit for potential jurors to 18.
See Act 123, p. 95.

Act 292 Counties - Second Class

(S.B. 822, P# 2173) Approved: 12-6-72 Effective: 1-1-74
A new Act, known as the Second Class County Jury Selection Act.

Creates a three-member Jury Commission of which the president judge of the court of common pleas shall be chairman, and the other two members shall be elected for four-year terms, one of each major party; provides that every county resident

of voting age shall be eligible for jury service except for reasons of illiteracy, mental or physical infirmity, or conviction of a crime punishable by imprisonment for more than one year; requires the commission to compile as complete an eligibility list as possible of prospective jurors from voting lists, directories, tax rolls, participation in State, county and local programs, and by application, to be kept current and to be open to the public, and requires annual selection from the master list, at random, of a number of names designated by the president judge; requires that each person so selected receive a qualification form, which he must complete and return, under penalties of perjury and contempt of court; requires the commission to withdraw names of any persons disqualified, exempted or excused, with appeal to the district justice provided for any person disqualified; requires that names remaining on the list of qualified jurors be placed on jury wheels from which jurors shall be publicly selected at random for assignment to jury panels; prohibits exemptions or excuses from jury duty except for persons in military service, persons who have served within three years, and for undue hardship or extreme inconvenience; permits use of data-processing and other business machines for random selection, listing and summoning jurors; authorizes the Commission to create a jury advisory panel to make recommendations for implementation; prescribes penalties and repeals 1925 P.L. 561 wherever inconsistent. 17 P.S. 1301 to 1301.18

Act 299 Counties - Second Class

(S.B. 1343, P# 1666) Approved: 12-6-72 Effective: 2-4-73
Adds Section 6.1 to the Magisterial Districts Act for Counties of the Second Class, 1968 P.L. 1146.

Prohibits a district justice from acting as agent for a party in the collection of a judgment for money. 42 P.S. 1406.1

Act 155 Counties - Second Class A and Third Class

(H.B. 1357, P# 1967) Approved: 6-23-72 Effective: 8-22-72
Adds Section 3.1 to 1939 P.L. 157, jury selection in Second Class A and Third Class Counties.

Permits the jury board to select prospective jurors by means of data processing machines; and permits the president judge to order that such equipment also be used in the drawing of jury panels and to direct the manner in which the equipment is used for impartial selection and for preparation of jury lists. 17 P.S. 1334.1

Act 265 Counties - Third to Sixth Class

(H.B. 2222, P# 2953) Approved: 10-26-72 Effective: 12-25-72

Reenacts 1921 P.L. 579, as reenacted and amended 1965 P.L. 1577, which established the board of inspectors of the jail or county prison for counties of the third, fourth and fifth classes and sixth class counties by option of the commissioners, and gave the board authority and responsibility for appointing the warden and management of the jail; adds Section 7 to repeal 1841 P.L. 189 and 1866 P.L. 865, special laws which governed appointment of inspectors and the management of Dauphin County Prison, extending the provisions of the general law to Dauphin County. 61 P.S. 408 et seq.

Act 322 Counties - Fourth Class

(H.B. 2466, P# 3405) Approved: 12-6-72 Effective: 12-6-72
Adds Section 87.1 to 1834 P.L. 333, organization of the Courts
of Justice.

Authorizes the jury commissioners in fourth class counties to select citizens subject to jury duty by means of data processing machines such as punch cards, electronic tape, random access files and other solid state devices; authorizes the jury commissioners to order the use of such equipment in the drawing of jury panels, in lieu of pieces of paper and jury boxes, and to direct the manner of use of such equipment so as to provide for impartial drawings of the names of persons to constitute the jury panels and for the preparation of the lists of the names drawn.

Act 264 Fulton County

(H.B. 2211, P# 2929) Approved: 10-26-72 Effective: 10-26-72
Repeals 1860 P.L. 233, which specified that grand and traverse
jurors could be summoned in Fulton County only for October
and April terms except on order of the court when the interest
of the county so required. 17 P.S. 561

Act 371 Commonwealth Court

(S.B. 1575, P# 1965) Approved: 12-29-72 Effective: 12-29-72;
applies to primary and municipal elections held in 1973 and
thereafter.
Amends Section 3 of the Commonwealth Court Act, 1969 P.L. 434.

Provides for the retention election of the original judges appointed to the Commonwealth Court; any such judge may file a declaration of candidacy with the Secretary of the Commonwealth on or before the first Monday in January of the year preceding the year of expiration of his term, and his name will be submitted to the electors on a separate judicial ballot or machine column without party designation, at the municipal election next preceding the expiration of his term; if a majority votes for retention he will serve a regular 10-year term; does not apply to judges subsequently appointed to fill vacancies. Also provides that whenever two or more judges of the Commonwealth Court are to be elected at the same election, each voter may vote only for one-half or the smallest number constituting a majority of the number of judges to be elected. 17 P.S. 211.3

Act 91 District Justices

(H.B. 932, P# 2785) Approved: 6-1-72 Effective: 7-31-72
Amends Section 1 of 1879 P.L. 194, justices of the peace, amended 1955 P.L. 817.

Includes district justices within the scope of the Act; increases from \$500 to \$1,000 the maximum sum in actions of trespass that may be handled by aldermen, magistrates, justices of the peace and district justices; includes within the term "action of trespass" actions for damages in personal assault and battery cases, those involving the use of force where damages are direct or indirect and all actions heretofore known as trespass on the case; and defines "district justice" to mean justices of the peace elected or appointed to a term of office starting on or after January 1, 1970. 42 P.S. 241

Act 200 District Justices

(H.B. 321, P# 3127) Approved: 9-22-72 Effective: 11-21-72
Amends Section 1109 of the Penal Code, 1939 P.L. 872, restitution, amended 1970 P.L. 790 (See Note, p. 85).

Permits a district justice, after hearing and conviction of a summary offense, in addition to any other sentence to order restitution in an amount up to the return of actual property or its undisputed dollar amount, and to fix the dollar amount if disputed and if the claim does not exceed \$1,000; requires the district justice to receive restitution and forward it to the victim, and to keep records; and requires that if restitution is not made within 20 days to the district justice, he shall declare the offender in contempt and forward the case to the court of common pleas. 18 P.S. 5109

Judicial Salaries

Reports Nos. 1 and 2 of the Commonwealth Compensation Commission
See Compensation of Public Officials, pp. 37, 38.

Act 177 Justices of the Peace

(H.B. 797, P# 3089) Approved: 7-7-72 Effective: 7-7-72;
applicable with respect to member contributions and credited
service of justices of the peace as of the date each became
a salaried officer of the Commonwealth.

Amends Sections 102 (6) (a) (ii), 202 (1) (a), 301 (1), 304
(1), 401 (1), 402 (1) (a) (2) (2.1), 405 (3.1), 407 (1) (2)
(3), 503, 506 (2), 603, 604, 607 and 608 of the State Employees'
Retirement Code of 1959 P.L. 392, amended 1968 P.L. 1156 and
P.L. 695.

Makes justices of the peace who receive a salary from the
Commonwealth eligible to become members of the State Employees'
Retirement System; sets up a new State retirement classifica-
tion, E-2, for justices of the peace paid by the Commonwealth
and requires class E-2 members to make contributions at $1\frac{1}{2}$
times the rate of a member of class A; provides that the
superannuation retirement allowance of a member of Class E-2
will consist of a member's annuity which will be equal to the
actuarial equivalent of his accumulated deductions and a
State annuity which will consist of a basic component of $1\frac{1}{2}$
per cent of final average salary and an equalizing component
equal to the amount by which the member's annuity is less
than the State annuity attributable to contributory service;
provides withdrawal credits which equal 10 for voluntary and
involuntary withdrawal. 71 P.S. 1725—102 et seq.

Act 333 Juveniles

(S.B. 439, P# 2192) Approved: 12-6-72 Effective: 2-4-73
A new Act, known as the Juvenile Act.

Repeals and replaces the Juvenile Court Law, 1933 P.L.
1433 (11 P.S. 243-268) and the Juvenile Court Law of Allegheny
County, 1933 P.L. 1449 (11 P.S. 269—1-503), to provide
complete procedure for the care, guidance, control, trial,
placement and commitment of delinquent and deprived children.
11 P.S. 50—101 to 377

Act 300 Legal Responsibility

Reduces legal age to 18 for purposes of suing and being sued.
See Act 300, p. 97.

Act 164 Probate, Estates and Fiduciaries Code
Act 331

Laws consolidated, see Act 164, p. 100.
Age limits generally reduced to 18, see Act 331, p. 100.

Act 218 Regional Community Treatment and Rehabilitation Centers

(H.B. 681, P# 742) Approved: 10-16-72 Effective: 12-14-72
A new Act.

Establishes, under the Department of Justice, a system of regional community treatment and rehabilitation centers for female prisoners, with powers to acquire and/or construct facilities through the Department of Property and Supplies and the General State Authority; empowers the Bureau of Correction to adopt rules and regulations, and requires the Department of Justice to establish standards for and to classify county jails and prisons with respect to eligibility to receive prisoners under this Act; requires the regional centers to receive females aged 16 or over under sentence or commitment, detained in default of bond, parole violators, and others, subject to affirmative authorization of the Bureau of Correction; provides for participation in center programs by all females under probation or parole, and for exclusive jurisdiction of such prisoners by the Bureau of Correction, including release for such purposes, and under such terms and conditions, as the Bureau shall determine, and for transfer within the Bureau's discretion. 62 P.S. 460.11 to 460.17

VIII. ENVIRONMENT, RECREATION AND CONSERVATION

Act 245 Cities, Boroughs, Towns, Townships, Counties, School Districts, Authorities

(H.B. 1333, P# 2913) Approved: 10-26-72 Effective: 10-26-72
Amends the Air Pollution Control Act, 1959 P.L. 2119.

Transfers administration of the State program from the Department of Health to the Department of Environmental Resources, abolished the Air Pollution Commission and transfers its functions to the Environmental Quality Board and the Environmental Hearing Board; requires that the owner or operator of any air contamination source install monitoring equipment, take samples and keep records of its own emissions; grants the Department authority to enter property and take tests after reasonable written notice, and to order cessation of any operation causing air pollution, the reduction of emissions or modification of processes causing pollution; provides for appeal from an order within 30 days; requires the Environmental Quality Board to adopt rules and regulations for the protection of public health and safety in cases of accumulation of air contaminants in any area and permits the Department to take emergency measures to stop or reduce emission; abolishes regional air pollution control associations; requires, beginning July 1, 1972, a permit to operate or to install any stationary air contamination source or any air pollution control device (excepting home heating); removes from municipalities, districts and authorities their exemption from prosecution for violations, increases the maximum fine for a first offense from \$500 to \$1,000, and provides penalties for a second offense within two years of \$500 to \$5,000 and/or up to one year, and permits imprisonment of association or corporation officers, employees or agents; provides for additional civil penalties up to \$10,000 plus \$2,500 per day; all fines and penalties are to be paid into a Clean Air Fund, to be used in elimination of air pollution; permits the Attorney General or any district attorney to initiate action to enforce compliance with orders, including actions in mandamus by the Attorney General against municipalities, districts and authorities at the instance of the Department, and permits citizen suits to abate nuisances after 30 days' notice to the Attorney General; requires that no local air pollution ordinance may be less stringent than the State law or regulations, restricts municipalities only with relation to administrative procedures for abatement,

requires that notice of violation of air pollution standards be given by the Department to the offender and to the air pollution control agency of the municipality, permits the Department to assume authority for enforcement if a local agency apparently has failed to do so, and permits refusal or withdrawal of approval from a local agency unable or unwilling to conduct an effective program; specifies that criminal and civil penalties provided by the Act shall apply also to violations of local ordinances, and establishes civil penalties of \$25 to \$500 per day of continued violation of a local ordinance, to be paid to the municipality; defines violations as public nuisances; and adds sections permitting issuance of search warrants where access is denied, protecting industrial trade secrets, and permitting temporary variances from standards including in cases where abatement equipment was recently installed to meet earlier, less stringent standards, for up to 10 years, not renewable. 35 P.S. 4001 et seq.

Act 20 Cities, Boroughs, Towns, Townships, Counties

Uniform Interstate Air Pollution Agreements Act:
See Act 20, p. 18.

Act 247 Cities, Boroughs, Towns, Townships, Counties, School Districts

Construction projects:
See Act 247, p. 18.

Act 283 Counties

(H.B. 963, P# 3511) Approved: 12-5-72 Effective: 15-2-72
A new Act, known as the Pennsylvania Scenic Rivers Act.

Establishes a Scenic Rivers System comprised of wild river areas, scenic river areas, recreational rivers and modified recreational rivers; authorizes the Department of Environmental Resources to study and submit to the Governor and the General Assembly proposals for the designation of rivers and sections of rivers as components of the system; requires a public hearing to be held in each county where land to be taken is situated, at which hearing the Department is required to set forth the area to be taken and its proposed use; requires notice of the hearings to be given at least three weeks before in a newspaper of general circulation in each county involved and by certified mail to the owners of the land;

authorizes the Department to acquire, by eminent domain, scenic easements within the boundaries of any legally designated component of the system and other easements necessary to give the public access to the river; defines "scenic easement" as the right to control the use of the land for the purpose of protecting the scenic values of the river valley; provides that such control shall not affect, without the owner's consent, any regular use exercised prior to acquisition of the easement; directs the Secretary of Environmental Resources to assist any Federal studies for inclusion of Pennsylvania rivers in a national scenic rivers system. 32 P.S. 821.1 to 821.8

Act 361 Counties

(H.B. 1487, P# 1781) Approved: 12-27-72 Effective: 2-27-73
Amends the Soil Conservation Law, 1945 P.L. 547 amended 1963 P.L. 598.

Extends the provisions of the act to water and related resources; changes the names to State Conservation Commission and conservation districts; transfers administration of the Act from the Department of Agriculture to the Department of Environmental Resources, and transfers chairmanship of the State Conservation Commission from the Secretary of Agriculture to the Secretary of Environmental Resources; allows the Pennsylvania State Council of Farm Organizations and the Pennsylvania State Association of Conservation District Directors, Inc., each to nominate one farmer for appointment by the Governor for each vacancy on the State Conservation Commission; changes the composition of a county board of conservation district directors from four practical farmers and two urban directors to not more than four or less than two farmers and not less than two or more than four urban members, but with the total number of directors always being seven, the composition of a board to be determined by the county commissioners and approved by the State Conservation Commission before a change becomes effective; and permits the county commissioners to replace a director absent from regular district meetings three or more times a year without due cause. 3 P.S. 849 et seq.

Act 4 Counties - Third to Eighth Class

County commissioner, power of eminent domain:
See Act 4, p. 36.

Act 17 School Districts, Authorities

School buildings, mine subsidence:
See Act 17, p. 25.

Act 153 Authorities
Act 359

Loans for pollution abatement and prevention, Industrial Development Authority Act and Industrial and Commercial Development Law.
See Act 153, p. 75; Act 359, p. 76.

Act 193 Abandoned Mine Areas

(H.B. 2117, P# 2795) Approved: 7-12-72 Effective: 7-12-72
Amends Clause (1) of Subsection (a) of Section 16 of the Land and Water Conservation and Reclamation Act of 1968, P.L. 996, amended 1970 P.L. 142.

Allots the moneys received by the Commonwealth from the issuance and sale of bonds and notes pursuant to this act from the development fund to the Department of Environmental Resources as follows: \$200 million for elimination of land and water scars created by past coal mining practices, \$150 million of which shall be used for the prevention, control and elimination of stream pollution from mine drainage and may include the restoration of abandoned strip mine areas, \$20 million for control of air pollution, \$30 million for prevention of surface subsidence above abandoned mine operations, for the control and extinguishment of surface and underground fires from abandoned mines and for administration expenses.

32 P.S. 5116 (a)(1)

Act 278 Mine Subsidence

(H.B. 1725, P# 3262) Approved: 11-27-72 Effective: 11-27-72
Reenacts and amends the mine subsidence fund act, 1961 P.L. 1068 as amended 1965 P.L. 328 and 1971 P.L. 188.

Changes from an Anthracite and Bituminous Coal and Clay Mine Subsidence Fund to a Coal and Clay Mine Subsidence Insurance Fund, and the governing board to the Coal and Clay Mine Subsidence Insurance Board; transfers all administrative functions and employees of the Board to the Department of Environmental Resources; abolishes the position of director, and requires that administrative expenses be taken from the annual appropriation to the Department instead of from the

fund; increases from \$100,000 to \$200,000 the surplus to be accumulated; extends applicability to all owners of structures, rather than homeowners only; deletes the requirement for preaudit by the Auditor General; deletes the State's option to repair damages rather than make payment on a claim; provides for an appropriation, if necessary, to increase the total asset value of the fund to \$1 million; and provides for appeals from decisions of the Board to the Environmental Hearing Board.

52 P.S. 3201 et seq

Act 253 Open Space Covenants

Act 254

Act 352 See Act 253, Counties, Second Class A and Third Class: p. 13.
See Act 254, Farmland Assessment, p. 16.
See Act 352, Counties, P. 12.

Act 21 Protection of Fish

(H.B. 774, P# 1472) Approved: 2-17-72 Effective: 4-17-72
Amends Section 200 of the Fish Law of 1959, P.L. 1779.

Removes all exceptions to the prohibition against dumping material destructive to fish into the waters of the State; also provides that nothing contained in this Act will repeal or supersede any of the provisions of the Clean Streams Law, 1937 P.L. 1987 (35 P.S. 691.1 et seq.) 30 P.S. 200

Act 23 State Parks and Forests

Extends lease period for State park and forest lands.
See Act 23, p. 55.

Act 355 Surface Mining

(S.B. 1229, P# 2155) Approved: 12-28-72 Effective: 2-26-73
Amends Sections 3, 3.1 and 4.2 of the Surface Mining Conservation and Reclamation Act, 1945 P.L. 1198 as amended 1971 P.L. 554.

Removes the exemption from regulation of commercial mining of noncoal minerals up to 500 tons per acre per year; provides that joint operators of a single operation be jointly and individually responsible for compliance with the Act; sets the license fees for persons mining 2,000 tons or less

per year of marketable minerals other than coal at \$50 per year (others continue at \$500 for the first year and \$300 for renewal) and provides for refund of \$450 to any such applicant who has paid \$500; deletes the requirement of notice and public hearing for granting variances to distance requirements for mining operations from roads, occupied dwellings, public buildings or streams unless any person files an exception within 20 days of publication of the notice of a proposed variance; notice is required in two newspapers of general circulation in the area once a week for two successive weeks.

52 P.S. 1396.3, 1396.3a, 1396.4b

Act 154 Vehicle Emission Control
Act 357

Inspection of vehicle emission control systems:
See Act 154, p. 83.

Smoke control, diesel-powered vehicles:
See Act 357, p. 80.

Act 6 Vehicle Noise Limitations

See Act 6, p. 83.

IX. HOUSING, REDEVELOPMENT, INDUSTRIAL AND COMMERCIAL DEVELOPMENT

Act 304 Cities, Boroughs, Towns, Townships, Authorities, School Districts, Counties

(H.B. 1630, P# 3481) Approved: 12-6-72 Effective: 12-6-72
A new Act, known as the Housing Replacement Authorization Act.

Authorizes an acquiring agency (any entity vested with the power of eminent domain) to purchase, construct, reconstruct or otherwise provide replacement housing for persons displaced as a result of a project or program undertaken by the agency and to exercise its power of eminent domain to acquire property for such purpose, provided that the county commissioners (city council in first class cities) certify that replacement housing is not, and cannot otherwise be made, available; authorizes the acquiring agency to sell or lease such replacement housing to displaced persons or to nonprofit, limited dividend or cooperative organizations or public bodies; allows the acquiring agency to contract with other public agencies, private individuals, partnerships, corporations and unincorporated associations for the financing, planning, acquisition, construction, management, sale or lease of replacement housing; authorizes any governmental acquiring agency to make loans and grants for planning and other preliminary expenses to nonprofit organizations at no interest and to authorized organizations for profit at interest at market rate, to be repaid on or before completion of the project, except that repayment of loans and grants to organizations other than profit organizations may be cancelled if it is determined that a permanent loan cannot be obtained; provides that funds available to any acquiring agency for a program or project which results in the displacement of any person on or after January 2, 1971, shall also be available for obligation and expenditure to carry out the provisions of this Act.

35 P.S. 1525-9

Act 75 Cities, Boroughs, Towns, Townships, Counties

(H.B. 1250, P# 1401) Approved: 5-17-72 Effective: 7-16-72
Amends Section 5 of the Neighborhood Assistance Act, 1967 P.L. 636, amended 1969 P.L. 203.

Corrects tax credit provisions to conform to the Tax Reform Code of 1971, P.L. 6 (72 P.S. 7101 et seq.). 62 P.S. 2085

Act 69

Cities, Boroughs, Towns, Townships, Counties

(H.B. 1236, P# 2700) Approved: 5-11-72 Effective: 5-11-72
A new Act, known as the Uniform Standards Code for Mobile Homes.

Requires that all mobile homes sold or offered for sale in the Commonwealth meet the standards approved by the U.S. Standards Institute or its successor for the body and frame design and construction, and installation of plumbing, heating and electrical systems; designates the Department of Community Affairs to adopt and promulgate regulations to clarify and supplement the standards after public hearings, but prohibits limiting the work to be performed to any type of construction contractor, or manufacturer, or labor or mechanic classification, or materials; requires manufacturers desiring to sell mobile homes in the State to apply to the Department for a permit and to affix a seal to each unit attesting that the unit complies with the Code; prohibits the sale of a mobile home unit manufactured more than six months following the effective date of this act and not bearing the above seal unless the unit bears the seal of another state issued under regulations which the Department finds consistent with State regulations; empowers a representative of the Department to enter any establishment manufacturing or selling mobile homes to ascertain whether the units comply with the Code; provides for the establishment by the Department of a nine-member Mobile Home Standards Advisory Committee, appointed by the Governor by and with the advice and consent of two-thirds of all the members of the Senate to staggered three-year terms, to be consulted in the drafting and promulgation of rules and regulations; does not affect any local zoning ordinance, subdivision regulation or locally adopted land development code, regulation or ordinance.

35 P.S. 1655.1 to 1655.10

35 P.S. 1655.1 to 1655.10

Act 70

Cities, Boroughs, Towns, Townships

(H.B. 1237, P# 2701) Approved: 5-11-72 Effective: 5-11-72
A new Act, known as the Industrialized Housing Act.

Requires the Department of Community Affairs, in consultation with the Industrialized Housing Advisory Commission, to promulgate rules and regulations requiring that industrialized housing be safe and sanitary and to issue an insignia of certification to industrialized housing or housing components complying with these rules and regulations; prohibits any producer of industrialized housing except mobile homes to sell such housing without first obtaining an insignia of certification, or any person to modify the housing during or prior to installation, after the effective date of the rules and regulations; gives any company which has produced indus-

trialized housing prior to the effective date of the rules and regulations the option of either applying for an insignia of certification, or conforming to local building codes; considers any industrialized housing or housing components having the insignia to be in compliance with the local building codes of all local governments but does not effect any local zoning ordinance, subdivision regulation, or any related locally adopted land development code, regulation or ordinance; requires the department to hold a public hearing on proposed rules and regulations and to include in them provisions reasonably consistent with recognized and accepted model codes; allows recognition to be granted to the certification given by other states or the Federal government; establishes a 15-member Industrialized Housing Advisory Commission appointed by the Governor by and with the advice and consent of two-thirds of the members of the Senate to staggered terms of three years.

35 P.S. 1651.1 to 1651.12

Act 2 Disaster Relief Projects
SS-1

(1/H.B. 7, P# 16) Approved: 9-1-72 Effective: 9-1-72
Amends Sections 3 and 6(b) of the Industrial and Commercial Development Authority Law, 1967 P.L. 251, Section 6(b) amended 1971 P.L. 647.

Authorizes industrial and commercial development authorities to sponsor disaster relief projects, defined as any undertaking to rehabilitate, repair, reconstruct, clean up, replace, or otherwise return to economic use any land, site, structure, or facility, including machinery, equipment and tools damaged or lost due to disaster of flood or fire or other casualty caused by the floods of September, 1971, or June, 1972, and comprising or being a part of an industrial, commercial, agricultural, utility, manufacturing or research and development enterprise; provides that no disaster relief project shall be rejected by the Secretary of Commerce on the grounds that the project had commenced or had been completed, provided that the authority submitted an application for approval to the Department of Commerce prior to January 1, 1973.

73 P.S. 373, 376 (b)

Act 17-A Housing Assistance

Includes appropriations to the Department of Community Affairs. See Act 17-A, General Appropriation, p. 43.

Act 22-A Housing and Redevelopment Assistance

Appropriations to the Department of Community Affairs.
See Act 22-A, p. 45.

Act 282 Housing Finance Agency

(S.B. 1407, P# 2154) Approved: 12-5-72 Effective: 1-11-73, on
proclamation by the Governor (3 Pa. B. 153)
Amends the Housing Agency Law, 1959 P.L. 1688.

Changes the name to the Housing Finance Agency Law and extends application of the law to rental housing and to persons of low and moderate income; changes the name of the Housing Agency to the Pennsylvania Housing Finance Agency and designates the Secretary of Community Affairs, rather than the Secretary of Commerce, as a member of the Agency; provides regulations and procedures of the Agency in the exercise of its function to make loans up to 90 per cent to any limited dividend corporation for the construction, reconstruction or rehabilitation of housing units for sale or rent to individuals of low or moderate income, and to make loans up to 100 per cent in the case of nonprofit corporations for construction, reconstruction or rehabilitation of housing units for individuals of low or moderate income; individual purchasers may acquire mortgages at reduced interest rates. (Secretary of Community Affairs appointed acting Treasurer of the Agency by Governor's proclamation.)

35 P.S. 1680.101 et seq.

Act 153 Industrial Development

(H.B. 1196, P# 2828) Approved: 6-16-72 Effective: 8-15-72
Amends Sections 3(d)(i), 4, and 6(a)(1) and (3) of the Pennsylvania Industrial Development Authority Act, 1956 P.L. 1609, amended 1967 P.L. 323, 1963 P.L. 221, 1965 P.L. 42, 1967 P.L. 323 and 1968 P.L. 420.

Includes statistics of the Department of Agriculture in determination of a critical economic area; includes an agricultural enterprise within the definition of an industrial development project and defines agricultural enterprise; adds the Secretary of Agriculture to the members of the Pennsylvania Industrial Development Authority (PIDA); increases the maximum loan for research and development facilities for pollution control technology to 55 per cent of the cost of the project and site in a critical economic area A (6 per cent unemployment for 10 years) and 50 per cent in critical economic areas B or C (4 per

cent unemployment); and requires that before any loans are approved by the Authority, the responsible tenant or purchaser must certify to the Authority that it has not been cited by a governmental agency for causing pollution in the Commonwealth, or if it has been so cited, that it is embarked on a specific program for eliminating the cause of the citation.

73 P.S. 303 (d), (i), (r), 304, 306 (a) (1), (3)

Act 359 Industrial and Commercial Development

(H.B. 2420, P# 3487) Approved: 12-29-72 Effective: 12-29-72
Amends Sections 2, 6, 7 and 12 of the Industrial and Commercial Development Law, 1967 P.L. 251 as amended 1971 P.L. 647 and by Act 2 of Special Session No. 1 of 1972 (p. 74.)

Adds elimination and prevention of blight and elimination or reduction of air and water pollution as purposes for development authorities; adds agricultural enterprises to those eligible for pollution control facilities under the definition of "project"; specifies that, in the definition of "commercial enterprise", with respect to redevelopment pursuant to a redevelopment proposal, there shall be no requirement concerning the expenditure of substantial capital or the creation of substantial employment opportunities; adds waste disposal and the reduction of thermal pollution to the definition of "pollution control facilities"; defines "redevelopment proposal"; permits agreements with investor-developers as well as occupants for acquisition, lease or sale of projects; prevents disqualification of a pollution control project on grounds the project has been commenced or completed before application is made for approval; and authorizes the Secretary of Commerce to promulgate regulations to carry out the purposes of Section 7, purposes and powers and bond provisions.

73 P.S. 372, 373, 376, 377, 382

Act 363 Landlord and Tenant

(H.B. 2137, P# 3269) Approved: 12-29-72 Effective: 2-27-73
Adds Sections 511.1, 511.2 and 511.3 and amends Section 512 (a), (b) and (c) of the Landlord and Tenant Act of 1951, P.L. 69.

Limits the escrow deposit for damages which a landlord may require to an amount equal to two months' rent during the first year, and one month's rent thereafter; if the landlord requires an escrow deposit with any renewal of lease after two years of tenancy, he must pay the tenant interest on the

escrow fund upon termination of the lease or surrender and acceptance of the premises; prohibits any increase in escrow deposit after five years regardless of any increase in rent; requires deposit of all escrow funds over \$100 held by a lessor in an escrow account and notice to each tenant of such deposit, and annual return to the tenant of interest so earned after two years' tenancy except the landlord may retain the first 1 per cent in lieu of all other expenses; alternatively, the landlord may furnish bond guaranteeing return of all interest on escrow funds to the tenant on termination of the lease or surrender and acceptance of the premises. Return of interest is required with refund of the escrow deposit, within 30 days after termination or surrender; interest provisions added by this act apply only to the rental of residential property.

68 P.S. 250.511.1 to 250.511.3, 250.512

Act 249 Mobilehomes

(H.B. 514, P# 1357) Approved: 10-26-72 Effective: 10-26-72
Amends Sections 203(b) and 208 of the Vehicle Code, 1959 P.L. 58, amended 1963 P.L. 270.

Extends from five years to 15 years, in the case of a mobile-home or house trailer, the period for which failure to renew a lien or encumbrance authorizes the issuance of a corrected certificate of title without statement of the encumbrance.

75 P.S. 203, 208

Act 340 Mobilehomes

(H.B. 176, P# 2341) Approved: 12-28-72 Effective: 2-26-73
Amends Sections 237(b) and 238 of the Tax Reform Code of 1971, P.L. 6.

Requires every person selling or leasing as tangible personal property mobilehomes, as defined in the Vehicle Code, to collect the tax from the purchaser or lessee whether or not a certificate of title is issued by the Department of Transportation.

72 P.S. 7237-8

Act 106 Mortgage Interest Rates

(S.B. 1278, P# 1731) Approved: 6-9-72 Effective: 7-24-72
Amends Section 1 of 1858 P.L. 622, amended 1970 P.L. 632.

Reduces the maximum legal residential mortgage interest rate from 9 per cent to 8 per cent starting July 24, 1972; provides that the 8 per cent rate will not apply to any mortgage loan existing on July 24, 1972, or to a renewal or extension of an existing loan or to a substitute loan secured by the same residential real property, nor to any mortgage loan contracted for after one year from July 24, 1972; provides that loans contracted after July 24, 1972, may be repaid without penalty before the end of the loan period; the 8 per cent rate applies to the total amortized cost of the loan.

41 P.S. 3

X. VEHICLES AND TRANSPORTATION

Act 338 Cities, Boroughs, Towns, Townships, Counties, Authorities

(S.B. 1685, P# 2187) Approved: 12-27-72 Effective: 7-1-73
Amends Sections 2, 6(a)(11) and 12 of the State Lottery Law, 1971
P.L. 351.

Authorizes the use of proceeds of the Lottery for providing
free local transit to persons 65 or older.

72 P.S. 3761—2, 6, 12

Act 339 Cities, Boroughs, Towns, Townships, Counties, Authorities

(S.B. 1686, P# 2188) Approved: 12-27-72 Effective: 7-1-73
Amends Section 2(b) of the Pennsylvania Urban Mass Transpor-
tation Assistance Law of 1967, 1968 P.L. 42.

Authorizes the Department of Transportation to make grants
to State agencies and to municipalities, counties, or their
instrumentalities from the State Lottery Fund to pay estimated
losses resulting from granting free service to persons 65
or older on local public buses, trolleys or subway-elevated
systems during nonpeak riding hours and on holidays and weekends;
requires the Department, in counties where a mass transportation
authority does not exist, to enter into agreements with private
carriers, authorized to carry passengers for hire by the
Public Utilities Commission, to carry out the purposes of this
Act.

66 P.S. 1952

Act 8 Cities, Boroughs, Towns, Townships, Counties

(S.B. 385, P# 391) Approved: 1-26-72 Effective: 3-26-72
Adds a paragraph to Section 834(a) of the Vehicle Code, 1959
P.L. 58.

Requires annual inspections of vehicles designed and used
as fire trucks in accordance with regulations prescribed
by the Secretary of Transportation.

75 P.S. 834 (a)

Act 357 Cities, Boroughs, Towns, Townships, Counties

(H.B. 111, P# 2340) Approved: 12-29-72 Effective: 2-27-73
Adds Section 828.2 to the Vehicle Code, 1959 P.L. 58.

Makes it unlawful for any person to operate a diesel-powered motor vehicle on any public street or highway in the State in such a manner that the smoke exceeds the opacity set forth in regulations promulgated by the Secretary of Transportation, or to make an alteration to any vehicle equipped by its manufacturer with a smoke control system if the alteration may limit the ability of the system to control smoke, or to remove the system except for repair or replacement; exempts emergency vehicles operated by governmental authorities, vehicles not required to be registered in the State, vehicles used in research and development and approved by the Secretary, vehicles undergoing maintenance, vehicles operated under emergency conditions, vehicles used in training programs and approved by the Secretary and other vehicles expressly exempted by the Secretary; requires any rules or regulations promulgated by the Secretary to be consistent with provisions of Federal law; imposes a fine of \$25 and costs, or in default of payment, imprisonment for 1 day, for each day's violation of the standards established by or regulations promulgated under this Act, after failure to correct the violation within 48 hours of receipt of written notice from a peace officer and failure to report proof of such correction to the arresting police department; authorizes State and local enforcement officials to arrest suspected violators on the basis of their visual evaluation of the smoke emitted from a diesel-powered vehicle and provides that a suspected violator may demand that the vehicle be tested by an approved smokemeter prior to a hearing on the violation. 75 P.S. 828.2

Act 74 Cities, Boroughs, Towns, Townships

(H.B. 949, P# 1053) Approved: 5-17-72 Effective: 5-17-72
Adds Section 1006 to the State Highway Law, 1945 P.L. 1242.

Authorizes the Secretary of Transportation to perform highway construction for improvements of streets in cities, boroughs, incorporated towns, and townships which directly facilitate and control traffic flow in accordance with the provisions of Section 10 of the Federal-Aid Highway Act of 1968 (TOPICS; 23 U.S.C.A. 135). 36 P.S. 670—1006

Act 175 Cities - First Class

(H.B. 2041, P# 2762) Approved: 7-7-72 Effective: 9-5-72
Adds Section 815.1 to the Vehicle Code, 1959 P.L. 58.

Authorizes police vehicles in first class cities to be equipped with a revolving blue dome light flanked on either side by a red flashing light. 75 P.S. 815.1

Act 172 Abandoned Vehicles

(H.B. 945, P# 1049) Approved: 7-7-72 Effective: 7-7-72
Amends Section 1222.6(c) of the Vehicle Code, 1959 P.L. 58, added 1968 P.L. 871.

Abolishes the Abandoned Vehicle Fund and authorizes the deposit of funds received through auctions of abandoned vehicles in the Motor License Fund. 75 P.S. 1222.6 (c)

Act 7 Accident Reports

(S.B. 274, P# 276) Approved: 1-26-72 Effective: 3-26-72
Amends the first paragraph of Section 1217(a) of the Vehicle Code, 1959 P.L. 58 amended 1965 P.L. 93.

Increases from \$100 to \$200 the minimum amount of damage to the property of any one person resulting from an accident, which requires the filing of an accident report to the Department of Transportation. 75 P.S. 1217 (a)

Act 350 Certificates of Inspection

(H.B. 2432, P# 3250) Approved: 12-28-72 Effective: 2-26-73
Amends Section 211 of the Vehicle Code, 1959 P.L. 58, amended 1971 P.L. 548.

Makes it unlawful to counterfeit or forge certificates of inspection. 75 P.S. 211

Act 94 Mobile Homes and House Trailers

(H.B. 1450, P# 2659) Approved: 6-1-72 Effective: 7-31-72
Amends Section 816(q) of the Vehicle Code, 1959 P.L. 58, amended 1966 P.L. 1488.

Requires that only mobile homes and house trailers which, when standing alone exceed a gross weight of 3,000 pounds or which, when coupled to their towing vehicles, exceed a gross weight of 40 per cent of the gross weight of such towing vehicles, must be equipped with brakes and requires that such brakes be applied to all wheels of the mobile home or house trailer. 75 P.S. 816 (q)

Act 249 Mobile Homes and House Trailers

Issuance of corrected title after failure to renew encumbrance: See Act 249, p. 77.

Act 79 Railroad Crossings

(H.B. 952, P# 1056) Approved: 5-22-72 Effective: 7-21-72
Amends Section 409(b) of the Public Utility Law, 1937 P.L. 1053.

Prohibits the Public Utility Commission from using its power to appropriate property at railroad crossings against property condemned by the Secretary of Transportation for Federal Aid Projects under Section 1004 of the State Highway Law, 1945 P.L. 1242 (36 P.S. 670—1004). 66 P.S. 1179 (b)

Act 228 Temporary Registration Plates

(S.B. 1152, P# 2107) Approved: 10-18-72 Effective: 12-17-72
Amends Section 512 of the Vehicle Code, 1959 P.L. 58, as amended 1961 P.L. 1031 and 1963 P.L. 756.

Requires dealers to issue temporary registration plates, upon proper application, to any owner of a motor vehicle whether or not the vehicle was purchased from the dealer; the dealer may charge an additional fee which shall not exceed the fee normally charged by the dealer to his own customers, and which must be disclosed to the applicant prior to execution of the application form; permits all persons registered as dealers to issue temporary plates; extends from 30 and 20 days to 45 days the period during which temporary plates may be valid pending receipt of annual registration plates. 75 P.S. 512

Act 65 Transportation Rights-of-Way

(H.B. 941, P# 1045) Approved: 5-9-72 Effective: 5-9-72
Amends Section 2002(b) of the Administrative Code, 1929
P.L. 177 amended 1970 P.L. 356.

Exempts from the Department of Transportation's duty to follow hearing procedures for new transportation routes requiring new or additional rights-of-way, any cases involving complaint proceedings under the jurisdiction of the Public Utility Commission. 71 P.S. 512 (b)

Act 154 Vehicle Emission Control Inspection

(S.B. 123, P# 1834) Approved: 6-16-72 Effective: 9-14-72
Amends Section 834(a) and adds Section 850 to the Vehicle
Code of 1959, P.L. 58, amended 1970 P.L. 590.

Requires inspection of motor vehicles for emission control systems and devices for which the Secretaries of Transportation and Environmental Resources have adopted inspection procedures; the requirements shall not apply within 90 days after adoption nor shall the requirement be changed oftener than once a year and shall apply to vehicles subject to Federal law. The inspection shall commence on the first day of inspection periods (1) and (2); however, the Secretary may provide for inspections to commence the period following; makes it unlawful to remove emission control devices; provides penalties for malfunctioning devices; provides a five-day period after notification by a peace officer of a faulty device for the person to correct the device and the notification by the person to the peace officer by certificate of such correction.

Act 6 Vehicle Noise Limitations

(H.B. 110, P# 121) Approved: 1-26-72 Effective: 3-26-72
Adds Sections 828.2 and 828.3 to the Vehicle Code, 1959 P.L. 58.

Establishes maximum noise levels for categories of vehicles under any operating conditions, as measured 50 feet from the center of the lane of travel: Vehicles with a manufacturer's gross weight of 7,000, or any combination towed by such vehicle, and motorcycles, 90 decibels at 35 miles per hour or less and 92 db. over 35 mph.; such vehicles being sold or offered for sale as new vehicles, manufactured after January 1, 1973, 90 db. at all speeds; any other vehicle or combination

of vehicles, 82 db. up to 35 mph. and 86 db. over 35 mph.; and new vehicles 84 db. at all speeds. Police and fire equipment and ambulances are exempted. Directs the Secretary of Transportation to establish test procedures, taking into consideration procedures of the Society of Automotive Engineers. Penalties for operating a vehicle in violation of limits set by Section 828.2, and for selling or offering a vehicle failing to meet the requirements for new vehicles in Section 828.3, are \$25 to \$100 or 10 to 30 days on summary conviction.

75 P.S. 828.2, .3

XI. CRIMES AND OFFENSES

NOTE: Act 334 of 1972, known as the Crimes Code, Title 18, Crimes and Offenses, of the Consolidated Pennsylvania Statutes (p. 100), repeals and substitutes for various Pennsylvania laws, including all of the Penal Code, 1939 P.L. 872, except Sections 718 and 719 (abortion); and the Pennsylvania Corrupt Organizations Act of 1970, P.L. 874. The new Crimes Code becomes effective June 6, 1973.

Act 77 Townships - First Class

(H.B. 1612, P# 1993) Approved: 5-17-72 Effective: 7-16-72
Amends Section 2081 of the First Class Township Code, 1949
P.L. 1955, amended 1953 P.L. 220.

Increases from \$25 to \$50 the fine for destroying signs
erected by the authorities or an organized body for the
direction of travelers. 53 P.S. 57081

Act 76 Townships - Second Class

(H.B. 1445, P# 1693) Approved: 5-17-72 Effective: 7-16-72
Amends Section 1161 of the Second Class Township Code, 1947
P.L. 1481.

Increases the fine from \$25 to \$50 for destroying signs
erected by the supervisors or an organized body for the
direction of travelers. 53 P.S. 66161

Act 201 Counties

(H.B. 1494, P# 3104) Approved: 9-22-72 Effective: 9-22-72
Adds Section 730.1 to the Game Law, 1937 P.L. 1225.

Provides that in any proceeding for violation of the act
or regulations, the owner of any motor vehicle shall be
presumed to be the operator unless he testifies that he was

not and reveals the name of the operator, if known, and otherwise submits to examination; if the proceeding is in a county other than that of the owner's residence, he may provide the information by affidavit to the magistrate.

34 P.S. 1311.730.1

Act 242 Bomb Threats

(H.B. 1896, P# 3369) Approved: 10-18-72 Effective: 12-17-72
Adds Section 329.1 to the Penal Code, 1939 P.L. 872.

Defines as a felony the malicious setting of a bomb or other explosive or the threat to place a bomb, and sets the penalty on conviction at up to \$10,000 fine and/or five years' imprisonment. (See note, p. 85. Subject matter included in Section 2706, Terroristic Threats, and Chapter 33, Arson, Criminal Mischief and Other Property Destruction, in the new Code.)

18 P.S. 4329.1

Act 161 Burglary Tools

(H.B. 1839, P# 2312) Approved: 6-30-72 Effective: 8-29-72
Amends Section 904 of the Penal Code, 1939 P.L. 872, possession of burglary tools.

Adds to the definition of burglary tools, any material, implement, instrument or other mechanical device designed or commonly used for breaking into any motor vehicle or aircraft. (See Note, p. 85. Subject matter covered by Section 907, Possessing Instruments of Crime, in the new Code.)

18 P.S. 4904

Act 27 Firearms

(S.B. 425, P# 1241) Approved: 2-25-72 Effective: 4-25-72
Amends Section 416 of the Penal Code, 1939 P.L. 872, amended 1968 P.L. 689.

Defines "firearm" to mean an instrument used in the propulsion of shot, shell, bullet or any other object by the action of gun powder exploded, explosive powder of the expansion of gas therein. (See Note, p. 85. Subject matter included in Sections 2301 and 6102, Definitions, in the new Code.)

18 P.S. 4416

Act 25 Firearms

(S.B. 692, P# 1356) Approved: 2-17-72 Effective: 2-17-72
Amends Section 806 of the Game Law, 1937 P.L. 1225, amended
1967 P.L. 731.

Prohibits a person from possessing a loaded firearm of any kind when in any vehicle, including a snowmobile, which is standing or being driven within the Commonwealth; provides that the above provisions do not apply to any person authorized to hunt or trap without a license on the land upon which he resides and do not prohibit a person from carrying a loaded pistol or revolver when in possession of a valid firearms license issued by the chief or head of any police force, or the sheriff of a county when said license is issued for protection under provisions of the Uniform Firearms Act, Section 628 of the Penal Code (See Note, p. 85; Chapter 61, Subchapter A, in the new Code); also defines "firearm" as an instrument used in the propulsion of shot, shell, bullet or any other object by the action of gun powder exploded, explosive powder or the expansion of gas therein.

34 P.S. 1311.806

Act 15 False Bomb Reports

(S.B. 157, P# 589) Approved: 2-9-72 Effective: 4-9-72
Amends Section 329 of the Penal Code, 1939 P.L. 872, amended
1965 P.L. 41.

Changes the offense of false reports from a misdemeanor to a felony and extends the penalties for making false bomb reports to include such reports made to any person residing in, occupying, or employed in any private home, residence, office or building. (See Note, p. 85. Subject matter included in Section 4906, False Reports to Law Enforcement Authorities, in the new Code.)

18 P.S. 4329

Act 102 Guide Dogs

(S.B. 1135, P# 1339) Approved: 6-9-72 Effective: 8-8-72
Amends Clause (i) of Section 5 of the Pennsylvania Human Relations Act of 1955 P.L. 744, added 1961 P.L. 47, reenacted and amended 1967 P.L. 632.

Makes it illegal to discriminate in public accommodations against a blind person using a guide dog. 43 P.S. 955 (i)

Act 272 Organized Crime

(H.B. 921, P# 2703) Approved: 11-15-72 Effective: 1-14-73
Amends Section 3 (1) of the Pennsylvania Corrupt Organizations
Act, 1970 P.L. 874.

Includes within the definition of "racketeering activity,"
any act which is indictable under Sections 806.2 to 806.9 of
the Penal Code, 1939 P.L. 872, relating to extortionate and
usurious credit transactions, and deletes Subclause (D)
which defined as racketeering activity, the collection of
money or property in satisfaction of a debt resulting from
a loan at a rate of interest exceeding 25 per cent. (See
Note, p. 85. Subject matter included in Section 911, Corrupt
Organizations, in the new Code.) 18 P.S. 3923 (1)

Act 237 Railroad Strikes

(H.B. 1582, P# 3333) Approved: 10-18-72 Effective: 12-17-72
Amends Sections 662, 664 and 921 of the Penal Code, 1939
P.L. 872, amended 1967 P.L. 641.

Reduces from misdemeanors to summary offenses, and eliminates
jail sentences and reduces fines from \$200 to \$100, for aban-
doning a passenger train elsewhere than at a scheduled
station during a strike, for interfering with a railroad
employee during a strike, or for obstructing tracks, damaging
or removing rolling stock or preventing use of such property
during a strike. (See Note, p. 85. Subject matter included
in Sections 6903, Railroad Employee Abandoning Train, and 6904,
Interfering with Railroad Employee, in the new Code.)
18 P.S. 4662, 4664, 4921

Act 162 Vehicle Code

(S.B. 208, P# 1852) Approved: 6-30-72 Effective: 6-30-72
Amends Sections 616 (a)(4) and 1038 of the Vehicle Code,
1959 P.L. 58, amended 1963 P.L. 24.

Provides for revocation, for one year, of the driver's license
of any person who is operating or controlling the operation of
a motor vehicle while in unlawful possession of any controlled
substance as defined in the Controlled Substance, Drug, Device
and Cosmetic Act (Act 64, p. 49), or who is utilizing a
motor vehicle in the unlawful transportation or the unlawful sale
of any controlled substance as defined in the above act;
also reduces the penalty for driving without lights to avoid
identification or arrest from a misdemeanor carrying a fine

of \$100 to \$500 and costs, or imprisonment of up to three years or both, to a summary offense carrying a fine of \$50 to \$300 and costs, or imprisonment up to three months, or both.
75 P.S. 616 (a) (4), 1038

Act 84 Vehicle Code

(S.B. 205, P# 1686) Approved: 5-26-72 Effective: 7-25-72
Amends Sections 624(6) and (7) of the Vehicle Code, 1959
P.L. 58, amended 1963 P.L. 1353.

Provides that the penalty for driving during suspension or revocation of a driver's license or for driving a vehicle after its registration has been suspended for the first offense will be a summary conviction with a minimum fine of \$100 and a maximum fine of \$200 and costs of prosecution or a maximum imprisonment of two months, or both; and for the second or subsequent offense, a misdemeanor with a minimum fine of \$200.
75 P.S. 624

Act 85 Vehicle Code

(S.B. 206, P# 1687) Approved: 5-26-72 Effective: 7-25-72
Amends Sections 1432(a)(c)(d) and (e) of the Vehicle Code, 1959 P.L. 58.

Changes the penalty for driving during suspension or revocation of license or registration or nonresident's operating privilege from a misdemeanor carrying a fine of up to \$500 or imprisonment of up to six months, or both, to a summary offense carrying a fine of \$100 to \$200, and costs or up to two months imprisonment, or both, for a first offense; and, for a second or subsequent offense, a misdemeanor carrying a fine of \$200 to \$500 and costs, or imprisonment of up to three years, or both. Reduces the penalty for giving false information concerning requirements for deposit of security in the report of a motor vehicle accident from a misdemeanor carrying a fine up to \$1,000, or imprisonment of up to one year, or both; the penalty for unlawful transfer of registration from a misdemeanor carrying a fine up to \$500, or imprisonment of up to six months or both; and the penalty for any violation of the motor vehicle safety responsibility provisions for which no penalty is otherwise provided from a misdemeanor carrying a fine of up to \$500, or imprisonment of up to ninety days, or both, to summary convictions carrying fines of \$100 to \$300, or imprisonment of up to three months, or both.
75 P.S. 1432 (a), (c)-(e)

XII. LIQUOR

Act 46 Cities, Boroughs, Towns, Townships

(H.B. 1558, P# 2163) Approved: 3-23-72 Effective: 5-22-72
Amends Section 463(a) and adds Section 408.3 to the Liquor Code, 1951 P.L. 90, amended 1971 P.L. 429.

Permits nonquota liquor licenses for outdoor sporting events without special referendum and authorizes the Liquor Control Board to issue a liquor license to one nonprofit corporation operating a theater for the performing arts in first or second class cities which has a seating capacity of at least 27,000 except where prohibited by local option; establishes an annual fee of \$600; authorizes Sunday sales in such theaters between 1 p.m. and 10 p.m. irrespective of the volume of food sales.

47 P.S. 4-463 (a), 4-408.3

Act 71 Cities, Boroughs, Towns, Townships

(H.B. 469, P# 2742) Approved: 5-12-72 Effective: 5-12-72
Adds Section 408.3 to the Liquor Code, 1951 P.L. 90.

Authorizes the Liquor Control Board to issue a special occasion permit to any hospital, church, synagogue or volunteer fire company in any city, borough, incorporated town or township in which the sale of liquor and/or malt or brewed beverages has been approved by the electorate. Such permits are good for a period of not more than three consecutive days and authorize the sale of liquor and/or malt or brewed beverages to any adult on any day for which the permit is issued. Allows only one permit to be issued to any hospital, church, synagogue or volunteer fire company during the year to be issued only for use at events used by the organization as a means of raising funds for itself; requires a fee of \$25 per day.

47 P.S. 4-408.4

Act 95 Cities, Boroughs, Towns, Townships

(H.B. 1734, P# 2155) Approved: 6-1-72 Effective: 6-1-72
Amends Sections 401(b) and 506(a) of the Liquor Code, 1951
P.L. 90.

Allows any club with a catering license to cater on Sundays
during the hours which the club may lawfully serve liquor,
malt or brewed beverages. 47 P.S. 4—401 (b), 4—406 (a)

Act 108 Cities, Boroughs, Towns, Townships

(H.B. 517, P# 2788) Approved: 6-9-72 Effective: 6-9-72 ;
amendments to Section 461(a) (population) effective 1-1-73,
but do not apply to license applications pending on that date.
Amends Section 408.2(g), 433.1 and 461(a) of the Liquor Code,
1951 P.L. 90, added or amended 1967 P.L. 510, 1969 P.L. 233
and 1970 P.L. 770.

Allows sales of liquor or malt or brewed beverages in cities
of the first and second class on Sunday between noon and 10 p.m.
in city-owned stadia; increases from 1,500 to 2,000 the
population requirement in each municipality for each license
for the sale of liquor and malt or brewed beverages except
that each municipality or divided part is permitted at least
one. 47 P.S. 4—408.2a(g), 433.1(a), 461(a)

Act 259 Cities - First Class

(H.B. 1940, P# 3172) Approved: 10-26-72 Effective: 10-26-72
Adds Section 408.3 to the Liquor Code, 1951 P.L. 90.

Permits the issuance of a license for the retail sale of
liquor and malt or brewed beverages by the glass, open bottles
and in any mixture for consumption in any city-owned art
museum in a first class city, on application by the city,
lessee or by a concessionaire certified by the city, for an
annual \$200 fee and on posting of bonds totaling \$1,500.

47 P.S. 4—408.3

XIII. LEGAL AGE

NOTE: A number of acts was approved in 1972 reducing legal age limits and specifications from 21, 20 or 19 to 18. A series of such legal age acts (Acts 121 through 152) was approved 6-16-72 and became effective 8-15-72; except acts relating to assessment and taxation of 18 to 21-year-olds, effective 7-1-72 for school districts of the second, third and fourth classes which had provided for levying the tax on 18 to 21-year-olds in their tax resolutions on or before July 1, 1972, and otherwise effective 7-1-73; and 1-1-73, for municipalities including counties. Only those acts from this series which most directly affect local government are included below. Other acts dealing with legal age but approved on different dates also are included.

Act 121 Cities, Boroughs, Towns, Townships, Counties, School Districts

(H.B. 1648, P# 2052) Approved: 6-16-72 Effective: 1-1-72
(See Note Above)

Amends Section 201(b), 404 and 432 of the General County Assessment Law, 1933 P.L. 853, amended 1957 P.L. 954 and 1967 P.L. 846.

Lowers assessment age for occupation taxes from 21 to 18.
72 P.S. 5020—201 (b), 404, 432

Act 134 Cities - Second Class A and Third Class, Boroughs, Towns, Townships, Counties, School Districts - Second to Fourth Class

(H.B. 1675, P# 2079) Approved: 6-16-72 Effective: 1-1-73
(See Note Above)

Amends the Title and Section 1 of 1951 P.L. 1026, which allows political subdivisions, except first and first class A cities and their school districts, to provide for an annual assessment list for occupation and per capita tax purposes.

Reduces minimum age of persons listed from 21 to 18.
72 P.S. 5505

(H.B. 1676, P# 2080) Approved: 6-16-72 Effective: 1-1-73
Amends Sections 2504 and 2531(3) of 1931 P.L. 932, amended 1951
P.L. 1262 and 1959 P.L. 1519.

Act 137 Boroughs, Towns, Townships, Counties - Fourth to Eighth Class,
School Districts - Second to Fourth Class

Reduces from 21 to 18, the age of persons who shall be
subject to taxation. 72 P.S. 5453.201 (b)

(H.B 1697, P# 2101) Approved: 6-16-72 Effective: 8-15-72
Amends Section 15 of 1941 P.L. 84.

(H.B. 1672, P# 2076) Approved: 6-16-72 Effective: 8-15-72
Amends Section 1185 of the Borough Code, 1966 P.L. 1656.

(H.B. 1662, P# 2066) Approved: 6-16-72 Effective: 8-15-72
Amends Section 639 of the First Class Township Code, 1949
P.L. 1955, amended 1968 P.L. 74.

- 94 -

Act 123 Counties

(H.B. 1657, P# 2061) Approved: 6-16-72 Effective: 8-15-72
Amends Section 9(a) of 1925 P.L. 561.

Reduces minimum age for qualification for jury service
from 21 to 18. 17 P.S. 1279 (a)

Act 145 Counties

(H.B. 1700, P# 2104) Approved: 6-16-72 Effective: 8-15-72
Amends Section 1(2) of 1937 P.L. 1595.

Reduces minimum eligible age of deputy sheriffs from
21 to 18. 16 P.S. 7510 (2)

Act 148 Counties - Second Class

(H.B. 1705, P# 2109) Approved: 6-16-72 Effective: 8-15-72
Amends Sections 413, 1206(2), 1401(a) and 1510 of the Second
Class County Code, 1953 P.L. 723, added or amended 1963
P.L. 840 and 1965 P.L. 1115.

Reduces minimum eligible age of elected county officials,
district attorneys, policemen, firemen, fire inspectors
and deputy sheriffs in second class counties.
16 P.S. 3413, 4206 (2), 4401 (a), 4510

Act 149 Counties - Third to Eighth Classes

(H.B. 1706, P# 2201) Approved: 6-16-72 Effective: 8-15-72
Amends Sections 413, 1206(2), 1401(a), and 2175(6)(7) of
the County Code, 1955 P.L. 323, added or amended 1961 P.L.
1495 and 1963 P.L. 232.

Reduces minimum eligible age of elected officials,
deputy sheriffs and district attorneys from 21 to 18.
16 P.S. 413, 1206 (2), 1401 (a), 2175 (6), (7)

Act 130 School Districts

(H.B. 1667, P# 2071) Approved: 6-16-72 Effective: 8-15-72
Amends Subsections 4 (2)(a), (7)(a) and (8)(a) of 1952
P.L. 2128.

Reduces the minimum eligible age of driver education
teachers from 21 to 18. 24 P.S. 2837

Act 138 School Districts

(H.B. 1679, P# 2083) Approved: 6-16-72 Effective: 8-15-72
regarding eligibility; effective date of tax provisions,
see Note, p. 92.

Amends Sections 322, 672(a) and (d), 679 and 680 of the
Public School Code of 1949, P.L. 30

Reduces minimum eligible age of school directors from
21 to 18; reduces minimum age for liability for per capita taxes
for school purposes from 21 to 18 in school districts of the
second, third and fourth classes.

24 P.S. 3—322, 6—672, 679, 680

Act 199 School Districts

(S.B. 1413, P# 1974) Approved: 9-22-72 Effective: 9-22-72
Amends Sections 4 and 5 of the Child Labor Law, 1915 P.L.
286, amended 1961 P.L. 1107.

Permits minors under 16 to work between 7 a.m. and 10 p.m.
during school vacation, June to Labor Day (otherwise, to 7
p.m.); permits minors aged 16 and 17 to work until midnight
on Fridays, Saturdays, and on days preceding a school vacation
except the last day of vacation, and otherwise prohibits all
minors under 18 unrolled in school from employment between
11 p.m. and 6 a.m.; and permits minors age 14 and over to
operate power lawn mowers.

43 P.L. 46,44

Act 168 Harness Racing

(H.B. 1565, P# 3088) Approved: 7-1-72 Effective: 7-1-72
Amends Section 21 of 1959 P.L. 1978, amended 1963 P.L. 256.

Prohibits any corporation licensed to conduct pari-mutuel
betting from allowing any person under 18 to place bets;
prohibits any person between 10 and 18 from attending a
harness race unless accompanied by an adult or guardian;
prohibits any person under 10 from attending a harness race;
persons under 18 who are legally employed are permitted to be
in and around a race track in their performance as employes.

15 P.S. 2621

Act 208 Hunting

(S.B. 99, P# 99) Approved: 10-6-72 Effective: 12-5-72
Amends Section 316(d) of the Game Law, 1937 P.L. 1225,
amended 1939 P.L. 810.

Reduces from 21 to 18, the age of a family member who may
accompany a minor aged 12 to 14, and the age of any adult
who may accompany a minor aged 14 to 16, while hunting.

34 P.S. 1311.316 (d)

Act 188 Hunting Permits

(H.B. 483, P# 3155) Approved: 7-12-72 Effective: 9-10-72
Amends Section 401 of the Game Law of 1937 P.L. 1225, amended
1965 P.L. 592.

Empowers the Game Commission to grant hunting permits to
citizens 18 or older, permits to expire on June 30; requires
permits for a disabled person to hunt from an automobile to
expire on August 31; provides that permits may be revoked
or suspended at any time at the discretion of the commission.

34 P.S. 1311.401

Act 300 Legal Responsibility

(S.B. 1519, P# 2054) Approved: 12-6-72 Effective: 12-6-72
A new Act.

Provides that a person 18 and older is an adult for purposes
of suing and being sued.

12 P.S. 140

Act 133 Notaries Public

(H.B. 1673, P# 2077) Approved: 6-16-72 Effective: 8-15-72
Amends Section 3 of the Notary Public Law, 1953 P.L. 1323.

Reduces the minimum eligible age of notaries from 21
to 18.

57 P.S. 149

Act 169 State Scholarships

(H.B. 1691, P# 2990) Became law without Effective: 1-1-73
Governor's signature 7-3-72

Amends Section 4(a) of 1966 P.L. 1546, State scholarships.

Substitutes "domicile" for "residence" in Pennsylvania as a qualification for applying for a scholarship; reduces from 21 to 18 the age at which the domiciliary requirement is transferred from the parent or guardian to the applicant; eliminates all school attendance, rather than just post secondary, as a qualification for establishing domicile; and makes ineligible for consideration for renewal of or further payments on a State scholarship, any student who registers to vote in any other state as having abandoned his domicile, until such student registers to vote in Pennsylvania.

24 P.S. 5154 (a) (2)

Act 80 Thoroughbred Racing

(H.B. 1629, P# 2646) Approved: 5-22-72 Effective: 7-21-72
Amends Section 22 of 1967 P.L. 707, which regulates thoroughbred horse racing.

Permits 18-year-olds to bet at a thoroughbred horse race, requires that all children between the ages of 10 and 18 be accompanied by a parent and prohibits children under 10 from attending a thoroughbred horse race. 15 P.S. 2672

XIV. CONSOLIDATED STATUTES

NOTE: An amendment to Article III, Section 3, of the Pennsylvania Constitution, adopted in 1967, permits the codification of Pennsylvania law. The amendment was implemented by Act 230 of 1970, P.L. 707 (46 P.S. 701; 1 P.S. App. Ch. 1) known as the Consolidated Pennsylvania Statutes, which established a structure for recodifying the entire body of Pennsylvania law under 79 titles. Areas of the law are codified by amendment of the 1970 Act, and by repeal of existing law which the new code replaces. This process was begun in 1972, with approval of the four Acts (and an amendment to one of them) included in this section. The consolidated statutes greatly reduce the bulk of the law in the areas affected, but they are much too long and comprehensive for condensation here. These descriptions indicate only the titles and subject matter affected, and provide sufficient reference information so they may be located by persons interested in examining them.

Act 290 Constitution and Statutes

(S.B. 685, P# 2179) Approved: 12-6-72 Effective: 12-6-72
Amends Title I of the Consolidated Pennsylvania Statutes, 1970 P.L. 707, by adding Parts III and V.

Consolidates and codifies statutes relating to adoption and publication of constitutional and statutory provisions and to statutory construction, and by repealing Part I, Chapter V, concerning publication of amendments to the Consolidated Statutes and including these provisions within Part III. 1 P.S. App. Ch. 5 (501); 46 P.S. 701, 901-6, 1101-6, 1501-4, 1701-4, 1901-10, 1921-39, 1951-7, 1961-3, 1971-8, 1991 (new)

Act 271 Corporations, Insurance, Burial Grounds

(S.B. 891, P# 2116) Approved: 11-15-72 Effective: 2-13-72

Adds Title 9, Burial Grounds; Title 15, Corporations and Unincorporated Associations; Title 22, Chapter 5, Private Police; Title 40, Insurance; Title 42, Chapter 83, judicial proceedings, Bases of Jurisdiction (foreign corporations);

Title 54, Names; and Title 67, Chapter 61, Nonprofit Charitable Institutions, to the Consolidated Pennsylvania Statutes, 1970 P.L. 707; repeals substituted statutes. 9 P.S. 101, 301-11; 15 P.S. 101-12, 131-6, 7101 et seq.; 22 P.S. 501; 40 P.S. 101, 6101 et seq.; 42 P.S. 8301-11; 54 P.S. 101, 501-6; 67 P.S. 101, 6101-4 (new)

Act 334 Crimes and Offenses

(S.B. 455, P# 2193) Approved: 12-6-72 Effective: 6-6-73

Amends the Consolidated Pennsylvania Statutes, 1970 P.L. 707, by inserting parts of Title 18, Crimes and Offenses, a codification of Commonwealth criminal law. Part I, Preliminary Provisions, includes chapters on general provisions, culpability, general principles of justification, inchoate crimes, and authorized disposition of offenders; Part II, Definition of Specific Offenses, includes articles defining offenses against existence or stability of government, offenses involving danger to the person, offenses against public administration, offenses against public order and decency, and miscellaneous offenses. (See Note, p. 85.)

18 P.S. 101 to 7505 (new)

Act 164 Probate, Estates, Fiduciaries

(S.B. 1225, P# 1841) Approved: 6-30-72 Effective: 7-1-72; except that rights provided by and liabilities incurred under earlier law are saved.

Amends Title 20 of the Consolidated Pennsylvania Statutes, 1970 P.L. 707.

Consolidates and codifies Commonwealth statutes relating to estates and fiduciaries. (Note amendatory Act 331.)

20 P.S. 101 to 8815 (new)

Act 331 Probate, Estates, Fiduciaries

(S.B. 1672, P# 2091) Approved: 12-6-72 Effective: 2-4-73
Amends Title 20 of the Consolidated Pennsylvania Statutes, 1970 P.L. 707, added by Act 164 of 1972.

Defines "minor" for the purposes of the Probate, Estates and Fiduciaries Code as an individual under the age of 18 years and changes from 21 to 18 the age at which a person may make a will, serve as a personal representative, serve as guardian of the estate of a minor or execute an anatomical gift.

20 P.S. 102, 2501(a), 3156(1), 5112, 5302, 5305(d), 5308(d), 8602(a)

INDEXES

ACTS

GOVERNMENT UNIT

SUBJECT

INDEX OF ACTS

<u>Act</u>	<u>Page</u>	<u>Act</u>	<u>Page</u>	<u>Act</u>	<u>Page</u>	<u>Act</u>	<u>Page</u>
1	41	69	73	126	94	188	97
2	41	70	73	128	93	189	19
3	54	71	90	130	95	192	38
4	36	72	33	132	94	193	69
5	8	74	80	133	97	194	53
6	83	75	72	134	92	195	53
7	81	76	85	135	94	197	12
8	79	77	85	136	93	198	12
15	87	78	9	137	94	199	96
17	25	79	82	138	96	200	63
20	18	80	98	143	93	201	85
21	70	81	34	144	94	204	54
23	55	83	30	145	95	205	1
24	55	84	89	148	95	206	4
25	87	85	89	149	95	208	97
26	24	89	14	150	93	209	47
27	86	90	35	153	75	211	36
28	14	91	63	154	83	212	51
30	27	92	24	155	61	214	5
31	27	93	21	157	35	217	42
32	31	94	81	158	50	218	65
33	3	95	91	159	24	223	30
34	31	102	87	161	86	226	60
36	32	105	22	162	88	228	82
39	19	106	77	164	100	229	13
40	57	108	91	166	41	234	7
41	27	109	34	167	41	235	36
42	28	110	37	168	96	236	36
43	47	112	46	169	98	237	88
44	28	113	6	171	59	242	86
46	90	114	6	172	81	244	48
47	9	115	46	175	81	245	66
50	26	116	7	177	64	246	48
53	38	117	55	180	23	247	18
55	1	118	33	181	49	248	55
60	17	119	3	183	58	249	77
62	20	120	19	184	58	253	13
63	46	121	92	185	4	254	16
64	49	123	95	186	21	255	12
65	83	125	93	187	39	256	34

INDEX OF ACTS - Continued

<u>Act</u>	<u>Page</u>	<u>Act</u>	<u>Page</u>	<u>Appropriation Acts</u>		<u>Constitutional Amendment</u>	
257	60	321	23	<u>Act</u>	<u>Page</u>	<u>Number</u>	<u>Page</u>
258	24	322	62				
259	91	324	32	10-A	45	J.R. 1	15
261	6	325	32	13-A	40		
263	50	326	10	14-A	42		
264	62	327	11	15-A	43		
265	62	328	11	17-A	43	<u>Reorganization Plan</u>	
266	31	329	11	18-A	43		
268	29	330	11	19-A	44		
269	29	331	100	22-A	45	<u>Plan</u>	<u>Page</u>
271	99	333	64	52-A	45	R.P. 1	53
272	88	334	100	58-A	42		
273	15	338	79	66-A	40		
274	42	339	79				
275	42	340	77				
276	9	341	30	<u>Special Session No. 1 of 1972</u>			
278	69	344	29	<u>Act</u>			<u>Page</u>
280	5	350	81				
282	75	351	14	1			16
283	67	352	12	2			74
287	25	353	58	3			51
290	99	355	70	4			16
292	60	357	80	5			2
293	28	359	76				
298	22	360	50				
299	61	361	68	<u>Special Session No. 2 of 1972</u>			
300	97	363	76	<u>Act</u>			<u>Page</u>
301	57	364	52				
302	37	366	20	1			59
304	72	371	62				
309	35	372	26				
310	40	374	8				
311	33	375	25				
313	32						
314	26			<u>Commonwealth Compensation Commission</u>			
316	10			<u>Report</u>			<u>Page</u>
317	10						
318	10			No. 1			37
319	1			No. 2			38
320	9						

INDEX BY LOCAL GOVERNMENT UNIT

<u>Cities - First Class</u>	<u>Act</u>	<u>Page</u>
absentee ballots	301	57
Air Pollution Control Act, subject to prosecution	245	66
assessment, Municipal Employees' Retirement Board	269	29
assessment, occupation taxes, 18- to-21 year olds	121	92
auctioneers' licenses, state responsibility	119	3
bail, Municipal Court	226	60
community colleges, taxation	319	1
construction projects	247	18
disaster relief work, liability for injury or death	366	20
employees, employment with racing associations	30, 31	27
Environmental Improvement Compact	39	19
fire trucks, inspection required	8	79
First Class City Revenue Bond Act	234	7
flood relief, State assistance	J.R. 1	15
flood relief, tax rebates	5, SS-1	2
health care clinics	105	22
Housing Replacement Authorization Act	304	72
improvement of streets (TOPICS)	74	80
indebtedness, provision for repayment	116	7
indebtedness, limitations repealed	113, 114	6
industrialized housing	70	73
interest rates, statutory limits removed	205	1
judges and magistrates, State Employes Retirement	341	30
judicial salaries (Commonwealth Compensation Commission)	Reports Nos. 1, 2	37, 38
liquor, city-owned art museums	259	91
liquor, special occasion permits	71	90
liquor, Sunday catering	95	91

<u>Cities - First Class</u>	<u>Act</u>	<u>Page</u>
liquor, Sunday sales, city-owned stadia	108	91
liquor license, performing arts theater	46	90
milk control	120	19
mobile homes	69	73
motor vehicle smoke emissions	357	80
municipal ordinances, violation	189	19
Neighborhood Assistance, tax credit	75	72
Pennsylvania Drug and Alcohol Abuse Control Act	63	46
pension systems, employment of an actuary	293	28
pilots, Port of Philadelphia, minimum age	150	93
police vehicles, revolving blue light	175	81
prohibition against interest in racing activities	41, 42	27, 28
public transportation, free to persons 65 or older	338, 339	79
Public Utility Commission, allocation of expenses	33	3
reimbursement to community colleges by state	55	1
residence excluded from ballot	40	57
sewage treatment plants, State appropriation	310	40
State, acquisition of land, Project 70	112, 115	46
streets, maintenance, State appropriation	66-A	40
Uniform Interstate Air Pollution Agreements Act	20	18
volunteer ambulance corps, fire companies and forest fire fighters	83	30
Volunteer Firemen's Relief	44	28
voter registration	183	58

<u>Cities - Second Class</u>	<u>Act</u>	<u>Page</u>
absentee ballots	301	57
Air Pollution Control Act, subject to prosecution	245	66
assessment, Municipal Employees' Retirement Board	268, 269	29
assessment, occupation taxes, 18-to-21 year olds	121	92
auctioneers' licenses, State responsibility	119	3
community colleges, taxation	319	1
constables' fees	344	29
construction projects	247	18
credits against income taxes	261	6
disaster relief work, liability for injury or death	366	20
employees, employment with racing associations	30, 31	27
Environmental Improvement Compact	39	19
firemen, minimum age	128	93
fire trucks, inspection required	8	79
flood relief, State assistance	J.R. 1	15
flood relief, tax rebates	5, SS-1	2
Home Rule Charter and Optional Plans Law	62	20
Housing Replacement Authorization Act	304	72
improvement of streets (TOPICS)	74	80
industrialized housing	70	73
interest rates, statutory limits removed	205	1
intergovernmental cooperation	180	23
liquor, special occasion permits	71	90
liquor, Sunday catering	95	91
liquor, Sunday sales, city-owned stadia	108	91
liquor license, performing arts theater	46	90
Local Government Unit Debt Act	185, 206, 214, 280	4, 5
milk control	120	19
mobile homes	69	73
motor vehicle smoke emissions	357	80
municipal ordinances, violation	189	19

	<u>Act</u>	<u>Page</u>
Neighborhood Assistance, tax credit	75	72
Pennsylvania Drug and Alcohol Abuse Control Act	63	46
pension board members	313	32
pension fund, employees	32, 266	31
pension fund, firemen	36, 325	32
pension fund, police	34, 324	31, 32
pension systems, employment of an actuary	293	28
policemen, minimum age	143	93
prohibition against interest in racing activities	41, 42	27, 28
public transportation, free to persons 65 or older	338, 339	79
Public Utility Commission, allocation of expenses	33	3
reimbursement to community colleges by State	55	1
residence excluded from ballot	40	57
retention of governmental form	186	21
sewage treatment plants, State appropriation	310	40
State, acquisition of land, Project 70	112, 115	46
streets, maintenance, State appropriation	66-A	40
Uniform Interstate Air Pollution Agreements Act	20	18
volunteer ambulance corps, fire companies or forest fire fighters	83	30
Volunteer Firemen's Relief	44	28
voter registration	184	58

Cities - Second Class A

absentee ballots	301	57
Air Pollution Control Act, subject to prosecution	245	66
assessment, Municipal Employees' Retirement Board	268, 269	29
assessment, occupation and per capita taxes, minimum age	134	92
assessment, occupation taxes, 18-to-21 year olds	121	92
auctioneers' licenses, State responsibility	119	3

	<u>Act</u>	<u>Page</u>
community colleges, taxation	319	1
constables' fees	344	29
construction projects	247	18
credits against income taxes	261	6
disaster relief work, liability for injury or death	366	20
employees, employment with racing associations	30, 31	27
Environmental Improvement Compact	39	19
fire trucks, inspection required	8	79
flood relief, State assistance	J.R. 1	15
flood relief, tax rebates	5, SS-1	2
Home Rule Charter and Optional Plans Law	62	20
Housing Replacement Authorization Act	304	72
improvement of streets (TOPICS)	74	80
industrialized housing	70	73
interest rates, statutory limits removed	205	1
intergovernmental cooperation	180	23
liquor, increase population requirement	108	23
liquor, nonquota license, outdoor sporting events	46	90
liquor, special occasion permits	71	90
liquor, Sunday catering	95	91
Local Government Unit Debt Act	185, 206, 214, 280	4, 5
milk control	120	19
mobile homes	69	73
motor vehicle smoke emissions	357	80
Municipalities Planning Code, amended	93	21
municipal ordinances, violation	189	19
Neighborhood Assistance, tax credit	75	72
Pennsylvania Drug and Alcohol Abuse Control Act	63	46
pension systems, employment of an actuary	293	28
prohibition against interest in racing activities	41, 42	27, 28
public transportation, free to persons 65 or older	338, 339	79

	<u>Act</u>	<u>Page</u>
Public Utility Commission, allocation of expenses	33	3
reimbursement to community colleges by State	55	1
residence excluded from ballot	40	57
retention of governmental form	186	21
sewage treatment plants, State appropriation	310	40
State, acquisition of land, Project 70	112, 115	46
streets, maintenance, State appropriation	66-A	40
Uniform Interstate Air Pollution Agreements Act	20	18
volunteer ambulance corps, fire companies or forest fire fighters	83	30
Volunteer Firemen's Relief	44	28
voter registration	184	58

Cities - Third Class

absentee ballots	301	57
Air Pollution Control Act, subject to prosecution	245	66
assessment, Municipal Employees' Retirement Board	268, 269	29
assessment, occupation and per capita taxes, minimum age	134	92
assessment, occupation taxes, 18-to-21 year olds	121	92
auctioneers' licenses, State responsibility	119	3
community colleges, taxation	319	1
constables' fees	344	29
construction projects	247	18
credits against income taxes	261	6
disaster relief work, liability for injury or death	366	20
employees, city assessor's office	311	33
employees, employment with racing associations	30, 31	27
Environmental Improvement Compact	39	19

	<u>Act</u>	<u>Page</u>
firemen, minimum age	125	93
fire trucks, inspection required	8	79
flood relief, State assistance	J.R. 1	15
flood relief, tax rebates	5, SS-1	2
Home Rule Charter and Optional Plans Law	62	20
Housing Replacement Authorization Act	304	72
improvement of streets (TOPICS)	74	80
industrialized housing	70	73
interest rates, statutory limits removed	205	1
intergovernmental cooperation	180	23
liquor, increased population requirement	108	91
liquor, nonquota license, outdoor sporting events	46	90
liquor, special occasion permits	71	90
liquor, Sunday catering	95	91
Local Government Unit Debt Act	185, 206, 214, 280	4, 5
milk control	120	19
mobile homes	69	73
motor vehicle smoke emissions	357	80
Municipalities Planning Code, amendments	93	21
municipal ordinances, violation	189	19
Neighborhood Assistance, tax credit	75	72
Pennsylvania Drug and Alcohol Abuse Control Act	63	46
pension systems, employment of an actuary	293	28
port authorities	298	22
prohibition against interest in racing activities	41, 42	27, 28
public transportation, free to persons 65 or older	338, 339	79
Public Utility Commission, allocation of expenses	33	3
reimbursement to community colleges by State	55	1
residence excluded from ballot	40	57
retention of governmental form	186	21
sewage treatment plants, State appropriation	310	40

	<u>Act</u>	<u>Page</u>
State, acquisition of land, Project 70	112, 115	46
streets, maintenance, State appropriation	66-A	40
taxation, minimum age	135	94
Uniform Interstate Air Pollution Agreements Act	20	18
volunteer ambulance corps, fire companies or forest fire fighters	83	30
Volunteer Firemen's Relief	44	28
voter registration	184	58

Boroughs

absentee ballots	301	57
Air Pollution Control Act, subject to prosecution	245	66
assessment, Municipal Employees' Retirement Board	268, 269	29
assessment, occupation and per capita taxes, minimum age	134	92
assessment, occupation taxes, 18-to-21 year olds	121	92
auctioneers' licenses, State responsibility	119	3
community colleges, taxation	319	1
constables' fees	344	29
construction projects	247	18
credits against income taxes	261	6
disaster relief work, liability for injury or death	366	20
employes, employment with racing associations	30, 31	27
Environmental Improvement Compact	39	19
firemen and policemen, minimum age	132	94
fire trucks, inspection required	8	79
flood relief, State assistance	J.R. 1	15
flood relief, tax rebates	5, SS-1	2

	<u>Act</u>	<u>Page</u>
Home Rule Charter and Optional Plans Law	62	20
Housing Replacement Authorization Act	304	72
improvement of streets (TOPICS)	74	80
industrialized housing	70	73
interest rates, statutory limits removed	205	1
intergovernmental cooperation	180	23
liquor, increased population requirement	108	91
liquor, nonquota license, outdoor sporting events	46	90
liquor, special occasion permits	71	90
liquor, Sunday catering	95	91
Local Government Unit Debt Act	185, 206, 214, 280	4, 5
milk control	120	19
mobile homes	69	73
motor vehicle smoke emissions	357	80
municipal ordinances, violation	189	19
Neighborhood Assistance, tax credit	75	72
Pennsylvania Drug and Alcohol Abuse Control Act	63	46
pension systems, employment of an actuary	293	28
pension systems, police, Social Security integration	118	33
policemen and firemen, minimum age	132	94
prohibition against interest in racing activities	41, 42	27, 28
public transportation, free to persons 65 or older	338, 339	79
Public Utility Commission, allocation of expenses	33	3
racing, tax on wager, water and sewerage projects	5, 374	8
reimbursement to community colleges by State	55	1
residence excluded from ballot	40	57
retention of governmental form	186	21
sewage treatment plants, State appropriation	310	40
State, acquisition of land, Project 70	112, 115	46

	<u>Act</u>	<u>Page</u>
streets, maintenance, State appropriation	66-A	40
taxation, 18-to-21-year-olds	136, 137	93, 94
Uniform Interstate Air Pollution Agreements Act	20	18
volunteer ambulance corps, fire companies or forest fire fighters	83	30
Volunteer Firemen's Relief	44	28
voter registration	184	58

Incorporated Towns

absentee ballots	301	57
Air Pollution Control Act, subject to prosecution	245	66
assessment, Municipal Employees' Retirement Board	268, 269	29
assessment, occupation and per capita taxes, minimum age	134	92
assessment, occupation taxes, 18-to-21 year olds	121	92
auctioneers' licenses, State responsibility	119	3
community colleges, taxation	319	1
constables' fees	344	29
construction projects	247	18
credits against income taxes	261	6
disaster relief work, liability for injury or death	366	20
employees, employment with racing associations	30, 31	27
Environmental Improvement Compact	39	19
firemen and policemen, minimum age	144	94
fire trucks, inspection required	8	79
flood relief, State assistance	J.R. 1	15
flood relief, tax rebates	5, SS-1	2
Home Rule Charter and Optional Plans Law	62	20
Housing Replacement Authorization Act	304	72

	<u>Act</u>	<u>Page</u>
improvement of streets (TOPICS)	74	80
industrialized housing	70	73
interest rates, statutory limits removed	205	1
intergovernmental cooperation	180	23
liquor, increased population requirement	108	91
liquor, nonquota license, outdoor sporting events	46	90
liquor, special occasion permits	71	90
Local Government Unit Debt Act	185, 206, 214, 280	4, 5
milk control	120	19
mobile homes	69	73
motor vehicle smoke emissions	357	80
Municipalities Planning Code, amendments	93	21
municipal ordinances, violation	189	19
Neighborhood Assistance, tax credit	75	72
nuisances and dangerous structures, prohibition and removal	321	23
Pennsylvania Drug and Alcohol Abuse Control Act	63	46
pension system, employment of an actuary	293	28
pension system, police, Social Security integration	118	33
policemen and firemen, minimum age	144	94
prohibition against interest in racing activities	41, 42	27, 28
public transportation, free to persons 65 or older	338, 339	79
Public Utility Commission, allocation of expenses	33	3
reimbursement to community colleges by State	55	1
residence excluded from ballot	40	57
retention of governmental form	186	21
sewage treatment plants, State appropriation	310	40
State, acquisition of land, Project 70	112, 115	46
streets, maintenance, State appropriation	66-A	40
taxation of 18-to-21 year olds	136, 137	93, 94

	<u>Act</u>	<u>Page</u>
taxation, maximum rate	320	9
Uniform Interstate Air Pollution Agreements Act	20	18
volunteer ambulance corps, fire companies or forest fire fighters	83	30
Volunteer Firemen's Relief	44	28
voter registration	184	58

Townships - First Class

absentee ballots	301	57
Air Pollution Control Act, subject to prosecution	245	66
assessment, Municipal Employees' Retirement Board	268, 269	29
assessment, occupation and per capita taxes, minimum age	134	92
assessment, occupation taxes, 18-to-21 year olds	121	92
auctioneers' licenses, State responsibility	119	3
community colleges, taxation	319	1
constables' fees	344	29
construction projects	247	18
credits against income taxes	261	6
directional signs, penalty for destruction	77	85
disaster relief work, liability for injury or death	366	20
employees, employment with racing associations	30, 31	27
Environmental Improvement Compact	39	19
firemen and policemen, minimum age	126	94
firemen and policemen, probationary period	72	33
fire trucks, inspection required	8	79
flood relief, State assistance	J.R. 1	15
flood relief, tax rebates	5, SS-1	2
Home Rule Charter and Optional Plans Law	62	20
Housing Replacement Authorization Act	304	72

	<u>Act</u>	<u>Page</u>
improvement of streets (TOPICS)	74	80
industrialized housing	70	73
interest rates, statutory limits removed	205	1
intergovernmental cooperation	180	91
liquor, population limits increased	108	91
liquor, special occasion permits	71	90
liquor, Sunday catering	95	91
liquor, nonquota license, outdoor sporting events	46	90
Local Government Unit Debt Act	185, 206, 214, 280	4, 5
milk control	120	19
mobile homes	69	73
motor vehicle smoke emissions	357	80
Municipalities Planning Code, amendments	93	21
municipal ordinances, violation	189	19
Neighborhood Assistance, tax credit	75	72
Pennsylvania Drug and Alcohol Abuse Control Act	63	46
pension system, employment of an actuary	293	28
pension system, police, Social Security integration	118	3
policemen and firemen, minimum age	126	94
policemen and firemen, probationary period	72	33
prohibition against interest in racing activities	41, 42	27, 28
public transportation, free to persons 65 or older	338, 339	79
Public Utility Commission, allocation of expenses	33	3
racing, tax on wager, water and sewerage projects	5, 374	8
record books, supply by Department of Transportation discontinued	209	47
reimbursement to community colleges by State	55	1
residence excluded from ballot	40	57
retention of governmental form	186	21
sale of township property; advertising, exemptions	258	24

	<u>Act</u>	<u>Page</u>
sewage treatment plants, State appropriation	310	40
State, acquisition of land, Project 70	112, 115	46
streets, maintenance, State appropriation	66-A	40
taxation, general purpose, limit increased	276	9
taxation of 18-to-21 year olds	136, 137	93, 94
Uniform Interstate Air Pollution Agreements Act	20	18
volunteer ambulance corps, fire companies or forest fire fighters	83	30
Volunteer Firemen's Relief	44	28
voter registration	184	58

Townships - Second Class

absentee ballots	301	57
Air Pollution Control Act, subject to prosecution	245	66
assessment, Municipal Employees' Retirement Board	268, 269	29
assessment, occupation and per capita taxes, minimum age	134	92
assessment, occupation taxes, 18-to-21 year olds	121	92
auctioneers' licenses, State responsibility	119	3
community colleges, taxation	319	1
constables' fees	344	29
construction projects	247	18
credits against income taxes	261	6
directional signs, penalty for destruction	76	85
disaster relief work, liability for injury or death	366	20
employees, employment with racing associations	30, 31	27
Environmental Improvement Compact	39	19

	<u>Act</u>	<u>Page</u>
fire trucks, inspection required	8	79
flood relief, State assistance	J.R. 1	15
flood relief, tax rebates	5, SS-1	2
Home Rule Charter and Optional Plans Law	62	20
Housing Replacement Authorization Act	304	72
improvement of streets (TOPICS)	74	80
industrialized housing	70	73
interest rates, statutory limits removed	205	1
intergovernmental cooperation	180	23
liquor, increased population requirement	108	91
liquor, special occasion permits	71	90
liquor, Sundat catering	95	91
liquor, nonquota license, outdoor sporting events	46	90
Local Government Unit Debt Act	185, 206 214, 280	4, 5
milk control	120	19
mobile homes	69	73
motor vehicle smoke emissions	357	80
Municipalities Planning Code, amendments	93	21
municipal ordinances, violation	189	19
Neighborhood Assistance, tax credit	75	72
Pennsylvania Drug and Alcohol Abuse Control Act	63	46
pension systems, employment of an actuary	293	28
pension systems, police, Social Security integration	118	3
prohibition against interest in racing activities	41, 42	27, 28
public accountant, employment as auditor	109	34
public transportation, free to persons 65 or older	338, 339	79
Public Utility Commission, allocation of expenses	33	3
racing, tax on wager, water and sewerage projects	5, 374	8
record books, supply by Department of Transportation discontinued	209	47

	<u>Act</u>	<u>Page</u>
reimbursement to community colleges by State	55	1
residence excluded from ballot	40	57
retention of governmental form	186	21
sewage treatment plants, State appropriation	310	40
State, acquisition of land, Project 70	112, 115	46
streets, maintenance, State appropriation	66-A	46
trucks, Class 2, use by supervisor	256	34
taxation of 18-to-21 year olds	136, 137	93, 94
Uniform Interstate Air Pollution Agreements Act	20	18
volunteer ambulance corps, fire companies or forest fire fighters	83	30
Volunteer Firemen's Relief	44	28
voter registration	184	58

Counties - First Class

absentee ballots	301	57
advertising, political campaigns	353	58
Air Pollution Control Act, subject to prosecution	245	66
assessment, Municipal Employees' Retirement Board	268, 269	29
assessment, occupation and per capita taxes, minimum age	134	92
assessment, occupation taxes, 18-to-21 year olds	121	92
auctioneers' licenses, State responsibility	119	3
community colleges, taxation	319	1
conservation districts	361	68
constables fees	344	29
construction projects	247	18
coroner, appointment of a solicitor	309	35
court house and city offices, hours open	90	35
courts, administrative costs, State appropriation	17-A	43

	<u>Act</u>	<u>Page</u>
deputy sheriffs, minimum age	145	95
disaster relief work, liability for injury or death	366	20
employees, employment with racing associations	30, 31	27
Environmental Improvement Compact	39	19
escaped prisoner, costs for return	257	60
fees retained for use of county	326, 327, 328, 329, 330	10, 11
flood relief, State assistance	J.R. 1	15
flood relief, tax rebates	5, SS-1	2
Game Law, violation of regulations	201	85
hospitals, county may acquire and operate	81	34
Housing Replacement Authorization Act	304	72
industrialized housing	70	73
institution districts, increased grants	316	10
interest rates, statutory limits removed	205	1
intergovernmental cooperation	180	23
judicial salaries	Reports Nos. 1, 2	37, 38
jury service, minimum age	123	95
Juvenile Act	333	64
liquor, special occasion permits	71	90
liquor, nonquota license, outdoor sporting events	46	90
Local Government Unit Debt Act	185, 206, 214, 280	4, 5
mental health/retardation, State funds	78	9
milk control	120	19
mobile homes	69	73
motor vehicle smoke emissions	357	80
municipal ordinances, violation	189	19
open space covenants	253, 254, 352	12, 13, 16
penitentiaries, cost allocation	47	9
Pennsylvania Drug and Alcohol Abuse Control Act	63	46
pension systems, employment of an actuary	293	28
prohibition against interest in racing activities	41, 42	27, 28

	<u>Act</u>	<u>Page</u>
public transportation, free to persons 65 or older	338, 339	79
Public Utility Commission, allocation of expenses	33	3
reimbursement to community colleges by State	55	1
residence excluded from ballot	40	57
retention of governmental form	186	21
scenic rivers, easements	283	67
sewage treatment plants, State appropriation	310	40
State, acquisition of land, Project 70	112, 115	46
streets, maintenance, State appropriation	66-A	40
tax exemptions, real property	197	12
Uniform Interstate Air Pollution Agreements Act	20	18
volunteer ambulance corps, fire companies or forest fire fighters	83	30
Volunteer Firemen's Relief	44	28
voter registration	184	58
youth development centers, forestry camps, expenses	317, 318	10

Counties - Second Class and Second Class A

absentee ballots	301	57
advertising, political campaigns	353	58
Air Pollution Control Act, subject to prosecution	245	66
arbitration, limit increased	159	24
assessment, Municipal Employees' Retirement Board	268, 269	29
assessment, occupation and per capita taxes, minimum age	134	92
assessment, occupation taxes, 18-to-21 year olds	121	92
assessor's office, employees	311	33
auctioneers' licenses, State responsibility	119	3
community colleges, taxation	319	1

	<u>Act</u>	<u>Page</u>
conservation districts	361	68
constables' fees	344	29
construction projects	247	18
coroner, appointment of a solicitor	309	35
court house, hours open	90	35
courts, administrative costs, State appropriation	17-A	43
deputy sheriffs, minimum age	145	95
disaster relief work, liability for injury or death	366	20
district justices prohibited from acting as agent	299	61
employes, employment with racing associations	30, 31	27
Environmental Improvement Compact	39	19
escaped prisoner, costs for return	257	60
facsimile seal	50	26
fees retained for use of county	326, 327, 328, 329, 330	10, 11
flood relief, State assistance	J.R. 1	15
flood relief, tax rebates	5, SS-1	2
Game Law, violation of regulations	201	85
Home Rule Charter and Optional Plans Law	62	20
hospitals, county may acquire and operate	81	34
Housing Replacement Authorization Act	304	72
industrialized housing	70	73
institution districts, increased grants	316	10
interest rates, statutory limits removed	205	1
intergovernmental cooperation	180	23
judicial salaries	Reports Nos. 1, 2	37, 38
jury selection, procedures	155, 292	60, 61
jury service, minimum age	123	95
Juvenile Act	333	64
liquor, special occasion permits	71	90
liquor, nonquota license, outdoor sporting events	46	90
Local Government Unit Debt Act	185, 206, 214, 280	4, 5
mental health/ retardation, State funds	78	9
milk control	120	19

	<u>Act</u>	<u>Page</u>
mobile homes	69	73
mortgage, filing of satisfaction required	26	24
motor vehicle smoke emissions	357	80
Municipalities Planning Code, amendments	93	21
municipal ordinances, violation	189	19
officers and officials, minimum age	148	95
open space covenants	253, 254, 352	12, 13, 16
penitentiaries, cost allocation	47	9
Pennsylvania Drug and Alcohol Abuse Control Act	63	46
pension systems, employment of an actuary	293	28
prohibition against interest in racing activities	41, 42	27, 28
prothonotary's fees	157	35
public transportation, free to persons 65 or older	338, 339	79
Public Utility Commission, allocation of expenses	33	3
reimbursement to community colleges by State	55	1
residence excluded from ballot	40	57
retention of governmental form	186	21
scenic rivers, easements	283	67
sewage treatment plants, State appropriation	310	40
State, acquisition of land, Project 70	112, 115	46
streets, maintenance, State appropriation	66-A	40
tax exemptions, real property	197	12
tax refunds, interest period limited	255	12
Uniform Interstate Air Pollution Agreements Act	20	18
volunteer ambulance corps, fire companies or forest fire fighters	83	30
Volunteer Firemen's Relief	44	28
voter registration	184	58
youth development centers, forestry camps, expenses	317, 318	10

<u>Counties - Third through Eighth Class</u>	<u>Act</u>	<u>Page</u>
absentee ballots	301	57
advertising, political campaigns	353	58
Air Pollution Control Act, subject to prosecution	245	66
assessment, Municipal Employees' Retirement Board	268, 269	29
assessment, occupation and per capita taxes, minimum age	134	92
assessment, occupation taxes, 18-to-21 year olds	121	92
assessor's office, employes	311	33
auctioneers' licenses, State responsibility	119	3
community colleges, taxation	319	1
conservation districts	361	68
constables' fees	344	29
construction projects	247	18
coroner, appointment of a solicitor	309	35
court house, hours open	90	35
courts, administrative costs, State appropriation	17-A	43
deputy sheriffs, minimum age	145	95
disaster relief work, liability for injury or death	366	20
election officers and clerks, compensation	211	36
employes, employment with racing associations	30, 31	27
Environmental Improvement Compact	39	19
escaped prisoner, costs for return	257	60
fees retained for use of county	326, 327, 328, 329, 330	10, 11
flood control, eminent domain	4	36
flood relief, State assistance	J.R. 1	15
flood relief, tax rebates	5, SS-1	2
Fulton County, summoning jurors	264	62
Game Law, violation of regulations	201	85
Home Rule Charter and Optional Plans Law	62	20
hospitals, county may acquire and operate	81	34
Housing Replacement Authorization Act	304	72
industrialized housing	70	73
institution districts, increased grants	316	10
interest rates, statutory limits removed	205	1
intergovernmental cooperation	180	23

	<u>Act</u>	<u>Page</u>
judicial salaries	Reports Nos. 1, 2	37, 38
jury commissioners, meeting expenses	235	36
jury selection, data processing machines	155, 322	61, 62
jury service, minimum age	123	95
Juvenile Act	333	64
liquor, special occasion permits	71	90
liquor, nonquota license, outdoor sporting events	46	90
Local Government Unit Debt Act	185, 206, 214, 280	4, 5
mental health/retardation, State funds	78	9
milk control	120	19
mobile homes	69	73
motor vehicle smoke emissions	357	80
Municipalities Planning Code, amendments	93	20
municipal ordinances, violation	189	19
officers and officials, minimum age	149	95
open space covenants	253, 254, 352	12, 13, 16
penitentiaries, cost allocation	47	9
Pennsylvania Drug and Alcohol Abuse Control Act	63	46
pension systems, employment of an actuary	293	28
prison, board of inspectors	265	62
prohibition against interest in racing activities	41, 42	27, 28
public transportation, free to persons 65 or older	338, 339	79
Public Utility Commission, allocation of expenses	33	3
reimbursement to community colleges by State	55	1
residence excluded from ballot	40	57
retention of governmental form	186	21
scenic rivers, easements	283	67
sewage treatment plants, State appropriation	310	40
solicitor, assistant, fifth and sixth class county	236	36
State, acquisition of land, Project 70	112, 115	46

	<u>Act</u>	<u>Page</u>
streets, maintenance, State appropriation	66-A	40
taxation of 18-to-21 year olds	137	94
tax exemptions, real property	197	12
Uniform Interstate Air Pollution Agreements Act	20	18
volunteer ambulance corps, fire companies or forest fire fighters	83	30
Volunteer Firemen's Relief	44	28
voter registration	184	58
voter registration, records destroyed by flood	1, SS-2	59
youth development centers, forestry camps, expenses	317, 318	10

Authorities

Air Pollution Control Act, subject to prosecution	245	66
borrowing, limitation	351	14
construction, school buildings	15	87
construction projects	247	18
creation by county to acquire, operate general hospitals	81	34
facilities for judicial proceedings and health care	92	24
facsimile seal	50	26
flood relief, State assistance	J.R. 1	15
hospitals, county may acquire and operate	81	34
Housing Replacement Authorization Act	304	72
interest rates, statutory limits removed	205	1
Local Government Unit Debt Act	185, 206, 214, 280	4, 5
Neighborhood Assistance, tax credit	75	72

	<u>Act</u>	<u>Page</u>
pension fund, employes	32, 266	31
police officers, appointment	375	25
Public Utility Commission, allocation of expenses	33	3
public utility rates, control	60	17
racing, tax on wager	5, 374	8
sewage treatment plants, State appropriation	310	40

School Districts

absentee ballots	301	57
Air Pollution Control Act, subject to prosecution	245	66
assessment, occupation and per capita taxes, minimum age	134	92
assessment, occupation taxes, 18-to-21 year olds	121	92
community colleges, taxation	319	1
construction projects	247	18
construction, school buildings	15	87
credits against income taxes	261	6
driver education teachers, minimum age	130	95
election of school directors, cross-filing	171	59
employment of minors	199	96
facsimile seal	50	26
flood relief, State assistance	J.R. 1	15
flood relief, tax rebates	5, SS-1	2
handicapped students, maximum costs	273	15
Housing Replacement Authorization Act	304	72
interest rates, statutory limits removed	205	1
Local Government Unit Debt Act	185, 206, 214, 280	4, 5
Municipalities Planning Code, amended	93	21
purchase of buildings for school use	89	14

	<u>Act</u>	<u>Page</u>
purchases, supplies, appointment of agent	28	14
rating, tax on daily wage, general school purposes	5, 374	8
school buildings, fire escape windows	43	47
school directors; tax levy, per capita tax; minimum age	138	96
State, acquisition of land, Project 70	112, 115	46
State Board of Education, administration of Federal programs	244	48
taxation of 18-to-21 year olds	137, 138	94, 96
transportation, pupils	372	26
vehicles, control of use on school property	110	37

INDEX BY SUBJECT

	<u>Act</u>	<u>Page</u>
Abandoned mine areas		
distribution of State monies	193	69
Abandoned vehicles		
fund abolished	172	81
prohibited, removal; incorporated towns	321	23
Absentee ballot		
ill or disabled persons; list filed	301	57
Acquiring agency		
definition of, powers and responsibilities	304	72
Actuary		
investigation of municipal pension systems	293	28
Administrative Code		
health care clinics, cities - first class	105	22
Department of Transportation, record books, township officers	209	47
Department of Transportation, rights of way	65	83
educational institutions, Federal money	244	48
State Board of Auctioneer Examiners	244	48
Advertising		
political, restrictions on requirements; exemption, real property, townships - first class	353	58
	258	24
Agricultural enterprise		
definition of	153	75
eligible for loans, pollution control facilities	359	76
Air contamination source		
installation of monitoring equipment	245	66
Air pollution		
commission abolished; municipalities included	245	66
industrial and commercial development, control	359	76

	<u>Act</u>	<u>Page</u>
mining areas, control	193	69
Uniform Interstate Air Pollution Agreement Act	20	18
Alcohol		
abuse of, prevention and control	63	46
abuse of, educational programs	181, 15-A	49, 43
Alternate delegate		
National Party Convention	40	57
Ambulance association		
flood relief, State money	1, SS-1	16
Apportionment		
House of Representatives, U.S. Congress	3	54
Appropriations		
biological control program	14-A	42
capital budget	1, 2, 166, 167, 217, 274, 275	41, 42
Civil Air Patrol	58-A	42
construction and improvement of municipal sewage treatment plants	310	40
drug abuse education	15-A	43
flood relief	18-A	43
General Appropriation Act of 1972	17-A	43
housing and redevelopment assistance	22-A	45
maintenance and construction cost of roads	66-A	40
Motor License Fund supplement	19-A	44
payments in lieu of taxes	52-A	45
public assistance programs	13-A	40
tourist promotion	10-A	45
Arbitration		
minimum amount increased, counties - second class A	159	24
Area government		
environmental improvement	39	19
Art museum		
sale of liquor, cities - first class	259	91
Assessment and taxation		
area government, environmental improvement compact	39	19
bonded debt limit and interest limit, cities - first class	114	6

	<u>Act</u>	<u>Page</u>
community colleges, towns, maximum rate of taxation	320	9
credits against income tax	261	6
credits, Neighborhood Assistance	75	72
exemptions, voluntary nonprofit health services	364	52
farmland	253, 254, 352	12, 13, 16
Fourth to Eighth Class County		
Assessment Law	137	94
harness racing, school districts	374	8
increased tax limit, general purposes, townships - first class	276	9
interest on indebtedness, cities - first class	116	7
legislation, flood relief	J.R. 1	15
limitation on period of interest, taxing authorities, counties - second class	255	12
loans and debts, cities - first class	113	6
Local Government Unit Debt Act	185, 206, 214, 280	4, 5
Local Tax Collection Law	136	93
mobile homes	340	77
occupation taxes, 18-to-21 year olds	121, 134	92
real property tax exemptions, counties	197, 198	12
rebates, flood relief	5, SS-1	2
school districts	138	96
tax, daily wager, harness racing	5	8
Assistant solicitor		
counties, fifth and sixth classes	236	36
Attorney General		
enforcement of compliance with air pollution control orders	245	66
Auctioneers		
licensing and regulatory functions	119	3
State Board of Auctioneer Examiners	244	48
Auditor General		
Capital Budget	1, 166	41
Auxiliary services		
nonpublic schools, State money	194	53
Bail		
law judges, Municipal Court of Philadelphia	226	60

	<u>Act</u>	<u>Page</u>
Ballot, absentee ill or disabled persons; list filed	301	57
Biological control program 1972-73 appropriation	14-A	42
Blind students increased tuition	273	15
Board of Auctioneer Examiners Administrative Code	244	48
licensing and regulatory functions	119	3
Board of inspectors jails or county prisons	265	62
Board of Property Assessment, Appeals and Review counties - second class	255	12
Board of school directors (See School directors, this index)		
Bomb threats penalties	242	86
Borrowing base established for each municipality	185	4
Borrowing procedures facilitated and modernized	185	4
Bureau of Corrections rules and regulations, community rehabilitation centers	218	65
Bureau of Drug Control establishment of	64	49
Burglary Tools definition of	161	86
Candidate advertising, political, restrictions on Commonwealth Court, retention election county offices, minimum age exclusion of residence from ballot school director, cross-filing school director, minimum age	353 371 148 40 171 138	58 62 95 57 59 96
Capital Budget 1972-73 fiscal year	217	42

	<u>Act</u>	<u>Page</u>
1971-72, Public Improvement Project Itemization Supplement	2, 167, 275	41, 42
acquisition of original equipment and furniture	1	41
general obligation bonds	1, 166	41
public improvement projects	1, 166, 275	41, 42
Capital expenses		
definition of, community colleges	55	1
Cerebral palsied students increased tuition	273	15
Certificate of disability required for absentee ballot	301	57
Certificate of inspection vehicles, unlawful to counterfeit	350	81
Charitable organizations regulations amended	246	48
Child Labor Law employment of minors	199	96
Child welfare programs county institution districts	316	10
City-owned stadia liquor, Sunday sales, cities - first and second class	108	91
Civil Air Patrol 1972-73 appropriation	58-A	42
Civil Defense disaster relief work, liability for injury or death	366	20
Clean Air Fund elimination of air pollution	245	66
Coal and Clay Mine Subsidence Insurance Fund formerly the Anthracite and Bituminous Coal and Clay Mine Subsidence Fund	278	69
Codes		
local building, industrialized housing	70	73
Uniform Standard Code for Mobile Homes	69	73

	<u>Act</u>	<u>Page</u>
Commercial enterprise definition	359	76
Commercial development authorities authorization to sponsor disaster relief projects	2, SS-1	74
Commonwealth Compensation Commission compensation of public officials	Reports Nos. 1, 2	37, 38
Commonwealth Court election of judges	371	62
Community College Act county taxation	319	1
reimbursement by State to community colleges	55	1
Community college employes included in State Employees' Retirement System	55	1
Community colleges Capital Budget Act	217	42
Compact environmental improvement	39	19
interstate air pollution agreements	20	18
Congress, U.S. reduction of Pennsylvania districts, House of Representatives	3	54
Conservation districts formerly soil and water conservation districts; reorganized	361	68
Consolidated Statutes adoption and publication of constitutional and statutory provisions	290	99
corporations, insurance, burial grounds	271	99
crimes and offenses	334	100
definition of minor	331	100
estates and fiduciaries	104	100
Constables increased fees	344	29
Construction Costs roads, payments to municipalities	66-A	40

	<u>Act</u>	<u>Page</u>
Construction projects		
public construction, environmental standards	247	18
Construction, school		
mine subsidence areas	15	87
windows, emergency escape	43	47
Controlled substances		
clinics for treatment of drug dependency	263	50
regulation of	64	49
unlawful possession while operating a vehicle	162	88
Controlled Substance, Drug, Device and Cosmetic Act		
regulation and control	64	49
effective dates	158	50
Convicts		
escaped, costs of return	257	60
reduction of county expenses	47	9
Coroner		
appointment of a solicitor, counties	309	35
Council - Manager Plan		
Home Rule Charter and Optional Plans Law	62	20
County Board of Conservation District Directors		
composition of	361	68
County Commissioners		
acquire and maintain general hospitals, create authorities	81	34
assistant solicitor	236	36
composition of county board of conservation directors	361	68
determine hours of court house and other city offices	90	35
eminent domain, counties - third to eighth class	4	36
payment of a solicitor	309	35
replacement housing	304	72
County Institution Districts		
increased grants	316	10

	<u>Act</u>	<u>Page</u>
County Treasurer		
use of fees	326, 327, 328, 329, 330	10, 11
Covenants		
preservation of farmland and open space	253, 254, 352	12, 13, 16
Credit transactions		
regulation of	272	88
Critical economic area		
industrial development loans	153	75
Daily wager		
tax, schools and water and sewerage projects	5	8
Dangerous structures		
prohibition, removal of, towns	321	23
Data processing machines		
jury selection	155, 292, 322	60, 61, 62
Dauphin County Prison		
inspectors and management	265	62
Deaf students		
increased tuition	273	15
Delegate		
national party convention	40	57
Delinquent children		
care and placement	333	64
Denominational institutions		
religious discrimination permitted	360	50
Department		
Agriculture		
secretary, member of Pennsylvania Industrial Development Authority	153	75
secretary, removal of authority to determine certain programs, harness racing	212	51
Commerce		
distribution of tax on daily wager	5	8
tourist promotion	10-A	45
Community Affairs		
flood relief bonds	4, SS-1	16

	<u>Act</u>	<u>Page</u>
Community Affairs (continued)		
housing and redevelopment assistance	22-A	45
Local Government Unit Debt Act	214	5
rules and regulations, mobile home standards	69	73
rules and regulations, industrialized housing	70	73
secretary, member and acting treasurer of housing Finance Agency	282	75
study of actuary report on municipal pension funds	293	28
tax rebates, flood relief, school districts	5, SS-1	2
Education		
approval of purchase of buildings for school use	89	14
drug and alcohol abuse	181	49
drug education	15-A	43
secretary, monies for nonpublic schools	194, 195	53
Environmental Resources		
administration of Coal and Clay Mine Subsidence Insurance Board	278	69
administration of State air pollution control program	245	66
biological control program	14-A	42
construction of municipal sewage treatment plants	310	40
establishment of scenic river system	283	67
evaluation of substrata, school construction	15	87
flood relief	18-A	43
inspection procedures for vehicle emission control systems	154	83
inspection and licensing, migrant labor camps	R.P. 1	53
lease, State parks and forests	23	55
monies for abandoned mine areas	193	69
payments in lieu of taxes	52-A	45
soil and water conservation	361	68
substitute Project 70 land taken for highways	112, 115	46
Uniform Interstate Air Pollution Agreements Act	20	18
Health		
drug education	15-A	43
flood relief	18-A	43
secretary, regulation of drugs and cosmetics, Bureau of Drug Control	64	49

	<u>Act</u>	<u>Page</u>
Justice		
regional community rehabilitation centers, female prisoners	218	65
Property and Supplies		
Capital Budget	1, 2, 275	41, 42
inventory of State-owned and State-leased property	117	55
Public Welfare		
child welfare programs	316	10
flood relief	18-A	43
public assistance programs	13-A	40
State		
Board of Auctioneer Examiners reimburse counties, voter re- registration	119, 244 1, SS-2	3 59
Transportation		
accident reports	7	81
Civil Air Patrol	58-A	42
grants to municipalities, public transportation for the elderly	339	79
inspection procedures for vehicle emission control systems	154	83
land acquisition, Project 70, highways	112, 115	46
maintenance and construction cost of roads	66-A	40
record books, township officers	209	47
rights-of-way	65	83
secretary, appropriation of property against Public Utility Commission	79	82
improvement of streets in munici- palities	74	80
inspection of fire trucks	8	79
port authority board members, cities - third class	298	22
vehicle noise control	6	83
Deprived children		
care and placement	333	64
Deputy sheriffs		
minimum age - 18	145, 148, 149	95
Disabled persons		
use of absentee ballot	301	57
Disaster Relief Fund		
rehabilitation of flood damaged areas	18-A; 4, 5, SS-1	2, 16, 43

	<u>Act</u>	<u>Page</u>
Disaster relief work		
liability for injury or death of workers	366	20
reimbursement to State agencies and Departments	18-A	43
Discrimination		
prohibited in educational institutions	360	50
prohibited against blind	102	87
Disease, occupational		
defined, workmen's compensation	223	30
District attorney		
enforcement of compliance with air pollution control orders	245	66
minimum age - 18	148, 149	95
District justice		
definition of, responsibilities	91	63
prohibition on duties, counties - second class	299	61
responsibility for restitution	200	63
Dogs, guide		
blind persons, discrimination	102	87
Domicile		
requirement for State scholarship	169	98
Driver education teachers		
minimum age - 18	130	95
Drugs		
abuse of, prevention and treatment	63	46
clinics for treatment of drug dependency	263	50
education programs	181, 15-A	49, 43
regulation of manufacture, sale and possession	64	49
unlawful possession of while operating a vehicle	162	88
Educational institutions		
Federal money, procedures for applying and administering	244	48
prohibition against discrimination	360	50
Election Code		
absentee ballot, extended use	301	57
compensation of election officers and clerks, counties - third class	211	36

	<u>Act</u>	<u>Page</u>
cross-filing, school directors	171	59
restrictions on advertisements	353	58
Eminent Domain		
acquisition of property for replacement housing	304	72
area government, environmental improvement compact	39	19
flood-damaged property taken for highway	3, SS-1	51
flood prevention and control, county commissioners	4	36
scenic easements along rivers	283	67
Emission control		
Air Pollution Control Act, amendments	245	66
smoke, diesel-powered vehicles	357	80
vehicles, inspection of systems	154	83
Employes		
group life insurance	53	38
wage deductions paid to a union	192	38
Enforcement expenses		
public utilities, allocation revised	33	3
Environmental Hearing Board		
appeals on mine subsidence insurance fund	278	69
functions of Air Pollution Commission	245	66
Environmental Improvement Compact	39	19
Environmental Quality Board		
functions of Air Pollution Commission	245	66
Equal rights		
discrimination in educational institutions	360	50
Escape windows		
required in school buildings	43	47
Escaped prisoners		
costs related to escape, paid by counties	257	60
Escrow deposit		
restrictions on landlord	363	76
Executive - Council Plan		
Home Rule Charter and Optional Plans Law	62	20

	<u>Act</u>	<u>Page</u>
Facsimile seal		
use of, school districts - first		
class, authorities, and counties -		
second class	50	26
False bomb reports		
penalties	15	87
Farmland assessment		
application extended to all counties	352	12
assessment based on restricted value	253	13
eligibility revised	254	16
Federal-Aid Highway Act of 1968		
improvement of municipal streets	74	80
Female prisoners		
regional community rehabilitation		
centers	218	65
Fire inspector		
minimum age - 18	148	95
Fire trucks		
annual inspection	8	79
Firearms		
prohibition against, definition of	25, 27	87, 86
Firemen		
minimum age - 18	125, 126, 128, 132, 148	93, 94, 95
pension fund, cities - second		
class	36	32
probationary periods, townships -		
first class	72	33
unemployment compensation, volunteers	83	30
volunteer's relief fund	44	28.
workmen's compensation, eligibility	223	30
Fires		
inspection of, State Police	24	55
surface and underground, mines,		
control and extinguishment	193	69
First Class City Revenue Bond Act	234	7
Fish		
prohibition against destructive		
material being dumped into water	21	70

	<u>Act</u>	<u>Page</u>
Fish Fund		
monies for payments in lieu of taxes	52-A	43
Flood		
prevention and control, eminent domain, county commissioners	4	36
Flood relief		
alleviation of human hardship, protection of property	18-A	43
bond issue	4, SS-1	16
condemned property, highway projects	3, SS-1	51
fire companies	1, SS-1	16
industrial and commercial development authorities	2, SS-1	74
legislation, special financial provisions	J.R. No. 1	15
tax rebates	5, SS-1	2
Forestry camps		
expenses of	317, 318	10
Fuel oil		
State Police, adopt regulations	24	55
Game Fund		
monies for payments in lieu of taxes	52-A	45
Game Law		
hunting permits - 18-year-olds	188	97
price paid for game lands	248	55
prohibition against loaded firearms, definition of firearm	24	55
right to hunt	208	97
violation of regulations	201	85
Garbage		
prohibition against, removal of, towns	321	23
General appropriation		
General Appropriation Act of 1972	17-A	43
Motor License Fund Supplement to the General Appropriation Act of 1972	19-A	44
General hospitals		
acquired and maintained by county commissioners	81	34

	<u>Act</u>	<u>Page</u>
General maximum debt limits		
Capital Budget	217	42
General obligation bonds		
Capital Budget	1, 166	41
First Class City Revenue Bond Act	234	7
flood relief	4, SS-1	16
Local Government Unit Debt Act	185, 206, 214, 280	4, 5
General obligation serial bonds		
removal of restrictive elements	185	4
General State Authority		
Capital Budget	167	41
Government study commission		
election of, duties and respon- sibilities, home rule and optional plans	62	20
Governor		
allocation of money, flood relief, fire companies	1, SS-1	16
allocation of money, human hardship and protection of property	18-A	43
appointment, Industrialized Housing Advisory Committee	70	73
appointment, member of port authority board, cities - third class	298	22
appointment, Mobile Home Standards Advisory Committee	69	73
Capital Budget	1, 166	41
Governor's Council on Drug, Narcotic and Alcohol Abuse		
allocation of responsibility for clinics	263	50
duties and responsibilities	62	20
educational programs	181	49
Group life insurance		
deletion of limitations on term insurance	53	38
Guide dogs		
prohibition against discrimination	102	87
Guidance counselor		
prohibition against disclosure of confidential information	287	25

	<u>Act</u>	<u>Page</u>
Handicapped pupils		
increased maximum cost	273	15
Harness racing		
betting, minimum age - 18	168	96
determination of programs for		
marketing and consumer services	212	51
extended days to be licensed,		
additional taxes	374	8
public and party employees, own or		
race a horse	42	28
restriction on public employees	31	27
Health care clinics		
cities - first class	105	22
Health centers		
facilities, municipal authorities	92	24
Health service		
flood relief	18-A	43
hospitals, counties may acquire,		
operate	81	34
voluntary, nonprofit	364	52
Hearing procedures		
new transportation routes	65	83
Highway construction		
improvement of municipal streets	74	80
maintenance of streets, State Appropriation	66-A	40
Highway projects		
Capital Budget	217	42
condemned property, flood damage	3, SS-1	51
Home rule charter		
adoption of, functions under	62	20
retention of governmental form and		
classification	186	21
Home Rule Charter and Optional Plans Law	62	20
Hospitals		
counties may acquire, operate	81	34
House of Representatives, U.S. Congress		
reduction of Pennsylvania districts	3	54
House trailers		
regulation of weight and brakes	94	81
renewal of lien	249	77
Uniform Standards Code for		
Mobile Homes	69	73

	<u>Act</u>	<u>Page</u>
Housing		
assistance, State grants	22-A	45
industrialized, State standards	70	73
rental, low and moderate income persons	282	75
Housing Finance Agency Law		
name change, extended provisions	282	75
Housing Replacement Authorization Act	304	72
Human relations		
educational institutions, discrimination	360	50
prohibition against discrimination, blind persons	102	87
Hunting		
permits, age limits	188, 208	97
Industrialized Housing Act	70	73
Industrialized Housing Advisory Commission		
creation of	70	73
Industrial Development		
agricultural enterprise and pollution control	153, 159	75, 24
disaster relief projects	2, SS-1	74
Initiative petition		
government study commission, home rule and optional plans	62	20
Inspection		
fire trucks	8	79
milk and milk products	120	19
Institution districts		
counties, increased grants	316	10
Instructional material		
nonpublic schools, State money	195	53
Insurance commissioner		
approval of applicants for certification to provide nonprofit health service	364	52
Interest-bearing accounts		
deposit of monies, prothonotary, third to eighth class counties	229	13
rent escrow	363	76

	<u>Act</u>	<u>Page</u>
Interest rates		
mortgage, reduction of	106	77
statutory limits removed, State and local obligations	205	1
Intergovernmental Cooperation		
Uniform Interstate Air Pollution Agreements Act	20	18
local governments, transfer of functions	180	23
Inventory		
State-onwed and State-leased property	117	55
Investigation		
State Police, causes of fires	24	55
Jails, county prisons		
board of inspectors	265	62
Judges		
Commonwealth Court, election of	371	62
Municipal and Traffic Court of Philadelphia, State employees	341	30
Judicial proceedings		
facilities, municipal authorities	92	24
Jurors		
summoning of, Fulton County	264	62
Jury advisory panel		
responsibilities, counties - second class	292	60
Jury commission		
creation of, counties - second class	292	60
Jury commissioners		
annual meeting expenses, counties - third to eighth classes	235	36
electronic selection of jury members, counties - fourth class	322	62
Jury panel		
selection by data processing machines	155, 292, 322	60, 61, 62
Jury service		
eligibility, second class counties	292	60
minimum age reduced to 18	120	19

	<u>Act</u>	<u>Page</u>
Justices of the peace retirement system (See also, district justices, this index)	177	64
Juvenile Act care and commitment of delinquent and deprived children	333	64
Labor dispute prohibition against employment of strike-breakers railroad strikes, summary offenses	187 237	39 88
Land and Water Conservation and Reclamation Act of 1968 monies for abandoned mine areas monies for construction of municipal sewage treatment plants	193 310	69 40
Landlord and Tenant Act escrow deposits	363	76
Lease rental debt Local Government Unit Debt Act	185, 206	4
Legal Age assessment for occupation taxes betting at races deputy sheriffs driver education teachers elected officials, district attorney, police, firemen, fire inspector, deputy sheriffs employment while in school firemen, cities - second class firemen, cities - third class firemen and policemen, townships - first class Fourth to Eighth Class County Assessment Law hunting permits jury service legal responsibility Local Tax Collection Law notaries public pilots, Port of Philadelphia policemen, cities - second class policemen, towns policemen and firemen, boroughs real estate and resident taxes, cities - third class right to hunt school districts	121, 134 80, 168 145, 148, 149 130 148, 149 199 128 125 126 137 188 123 300 136 133 150 143 144 132 135 208 138	92 96, 98 95 95 95 96 93 93 94 94 97 95 97 93 97 93 94 94 94 97 96

	<u>Act</u>	<u>Page</u>
Licenses		
auctioneers	119, 244	3, 48
Controlled Substance, Drug, Device and Cosmetic Act	64	49
drivers, revocation or suspension	84, 85	89
hunting permits, age limit	188, 208	97
liquor, increase in population requirement	108	91
liquor, outdoor sporting events, performing arts theaters	46	90
liquor, special occasion permits	71	90
liquor, Sunday catering	95	91
migrant labor camps	R.P.1	53
milk processors	120	19
mobile homes and house trailers, liens	249	77
notaries public, age limit	133	97
pilots, Port of Philadelphia, age limit	150	93
vehicle, temporary registration, dealers	228	82
Lien		
mobile homes and house trailers	46	90
mortgage, counties - second class A	26	24
Liquor Code		
city-owned art museum, cities - first class	259	91
license, outdoor sporting events, performing arts theaters	46	90
special occasion permits	71	90
Sunday catering	95	91
Sunday sales, city-owned stadia, cities - first and second class; increase in population requirement	108	91
Loans		
mortgage, reduction of interest rates	106	77
mortgage, satisfaction, counties - second class A	26	24
Local Government Unit Debt Act	185, 206, 214, 280	4, 5
Local public transportation		
free to elderly; assistance grants	338, 339	79
Local self-government		
home rule charter and optional plans	62	20
Medical assistance		
1971-72 appropriation	13-A	40
flood relief	18-A	43
Medical services		
health center facilities, municipal authorities	92	24
health services, flood relief	18-A	43

	<u>Act</u>	<u>Page</u>
hospitals, counties may acquire sanatoria, use as clinics, cities - first class	81 105	34 22
Voluntary Nonprofit Health Service Act	364	52
Mental Health and Mental Retardation Act obligations against State funds	78	9
Migrant labor camps inspection and licensing functions	R.P. 1	53
Milk control inspections, permits, standards	120	19
Mine areas monies for abandoned areas	193	69
Mine drainage prevention, control and elimination	193	69
Mine subsidence administrative changes in subsidence insurance program; insurance extended to all owners of structures	278	69
prevention of school buildings, evaluation of substrata	193 15	69 87
Mobile homes development of uniform standards for construction definition of regulation of weight and brakes renewal of lien taxation of	69 93 94 249 340	73 21 81 77 77
Mobile home park definition of	93	21
Mobile home Standards Advisory Committee establishment of	69	73
Modified recreational rivers areas Pennsylvania Scenic Rivers Act	283	67
Modified sparsity factor payments extended to reorganized or merged districts	273	15
Mortgage satisfaction of lien, counties - second class A	26	24

	<u>Act</u>	<u>Page</u>
reduction of interest rates	106	77
Motor License Fund		
appropriations to State agencies	19-A	44
Capital Budget	217	42
deposit of funds from auctions of abandoned vehicles	172	81
maintenance and construction costs of roads	66-A	40
Motor vehicle accidents		
penalties for false information	85	89
reports, damage minimum	7	81
Motor vehicles		
(see Vehicle Code, this index)		
Motor vehicles, abandoned		
fund abolished	172	81
prohibited, removal; incorporated towns	321	23
Municipal Court of Philadelphia		
judges, state employees	341	30
setting of bail	226	60
Municipal pension systems		
actuarial study required	293	28
Municipal sewage treatment plants		
monies for construction	310	40
Muscular dystrophied students		
increased tuition	273	15
Narcotics		
abuse of, prevention and control	62	20
National party convention		
delegates and alternate delegates	40	57
Neighborhood Assistance Act		
tax credits	75	72
Noise		
control, vehicles	6	83
Noncoal minerals		
included within provisions of Surface Mining Conservation and Reclamation Act	355	70
Nonconforming structure		
definition of	93	21

	<u>Act</u>	<u>Page</u>
Nonconforming use definition of	93	21
Nonelectoral debt Local Government Unit Debt Act	185, 206	4
Nonprofit school food program substitution of word "food" for word "lunch"	314	26
Nonpublic schools auxiliary services	194	53
reduction of cigarette tax revenue payable to Parent Reimbursement Fund	204	54
textbooks and instructional material	195	53
transportation of pupils	372	26
Notaries public minimum age	133	97
Nuisances prohibition against and removal of, towns	304	72
Obligations First Class City Revenue Bond Act	234	7
invest in, prothonotary, third to eighth class counties	229	13
Local Government Unit Debt Act	185, 206, 214, 280	4, 5
Occupational disease defined, workmen's compensation	223	30
Open space assessment application extended to all counties	352	12
assessment based on restricted value	253	13
eligibility revised	254	16
Optional plans adoption of, functions under	62	20
retention of governmental form and classification	186	21
Ordinance approval of intergovernmental cooperation	180	23
approval of State acquisition of land under Project 70	112, 115	46
liberalization of time requirements, Local Government Unit Debt Act	214	5
local, air pollution	245	66
local, zoning	69, 70, 93	73, 21

	<u>Act</u>	<u>Page</u>
municipal, establishment of environmental improvement compact	39	19
municipal, governmental study commission, home rule and optional plans	62	20
municipal, violation	189	19
pension funds, police and firemen, cities - second class	324, 325	32
residential development	93	21
subdivision and land development	93	21
violation of, increased fees for constables	344	29
Organized crime definition of racketeering activity	272	88
Outdoor sporting events liquor licenses	46	90
Parent Reimbursement Fund reduction of revenue from cigarette tax	204	54
Pari-mutual betting minimum age	80, 168	96, 98
Party officers own or race a horse	41, 42	27, 28
Party conventions candidates, exclusion of residence from ballot	40	57
Payments in lieu of taxes 1972-73 appropriation	52-A	45
Penal Code bomb threats	242	86
definition of burglary tools	161	86
definition of firearms	27	86
district justices, responsibility for restitution	200	63
railroad strikes, reduction in penalties	237	88
repealed by Crimes Code	334	100
Pennsylvania Drug and Alcohol Abuse Control Act	63	46
Pennsylvania Drug, Device and Cosmetic Board creation of	64	49
Pennsylvania Fair Fund payments for programs and research projects, harness racing	212	51
Pennsylvania Housing Finance Agency originally Housing Agency	282	75

	<u>Act</u>	<u>Page</u>
Pennsylvania Industrial Development Authority expanded to include Secretary of Agriculture	153	75
Pennsylvania Municipalities Planning Code amendments	93	21
Pennsylvania Scenic Rivers Act establishment of scenic rivers system	283	67
Pennsylvania State Association of Conservation District Directors nomination of one farmer to county board of conservation directors	361	68
Pennsylvania State Council of Farm Organizations nomination of one farmer to county board of conservation directors	361	68
Pennsylvania Urban Mass Transportation Assistance Law of 1967 grants to municipalities for free public transportation to persons 65 or older	339	79
Pension		
employees, cities - second class	32, 266	31
employees, office of city assessor, cities - third class	311	33
employees, towns	320	9
firemen, cities - second class	34	31
fund, firemen	325	32
fund, members of board, cities - second class	313	32
fund, police	324	32
police, boroughs, towns, townships, Federal Social Security intergration	118	33
police, cities - second class	34	31
Pension systems		
employment of an actuary, municipalities	293	28
Performing arts theater		
liquor license, cities - first and second class	46	90
Planning agencies		
powers and duties	93	21

	<u>Act</u>	<u>Page</u>
Police		
appointed by municipal authorities	375	25
minimum age	132, 143, 144, 148	93, 94, 95
pension, boroughs, towns, townships, Social Security integration	118	33
pension, cities - second class	34	31
probationary period, townships - first class	72	33
Police vehicles		
revolving and flashing lights, cities - first class	175	81
Pollution control facilities		
defined to include waste disposal and reduction of thermal pollution	359	76
Pollution control technology		
loans for research	153	75
Port of Philadelphia		
pilots of the fourth class, minimum age	150	93
Port authorities		
creation of, cities - third class	298	22
Preservation of land		
covenants allowed outside of urban areas; made by any county	235, 254, 352	12, 13, 16
Prisons, county		
board of inspectors	265	62
Prisoners		
escaped, costs	257	60
expenses, penitentiaries	47	9
Probationary period		
police and firemen, townships - first class	72	33
Project 70		
State acquisition of land	112, 115	46
Prothonotary		
deposit of monies, counties - third to eighth class	229	13
revision of fee schedule, counties - second class	157	35

	<u>Act</u>	<u>Page</u>
use of fees	326, 327, 328, 329, 330	10, 11
Public accomodations		
prohibition against discrimination, blind persons	102	87
Public accountants		
employment by townships - second class	109	34
Public construction		
environmental standards	247	18
Public employes		
own or race a horse	41, 42	27, 28
restriction on employment with racing associations	30, 31	27
Public hearings		
land for scenic river system	283	67
Public improvement projects		
Capital Budget	1, 166	41
Itemization supplement, Capital Budget	2, 167	41
Public School Code		
admission and control of vehicles	110	37
construction, school buildings	17	25
disclosure of confidential information	287	25
free transportation	372	26
increased maximum cost, handicapped children	273	15
nonprofit school food program	314	26
nonpublic schools	194, 195	53
purchase of buildings for school use	89	14
school buildings, escape windows	43	47
school directors, increased reimbursement	302	37
school directors, tax levy, per capita tax, minimum age - 18	138	96
school purchases	28	14
Public Transportation		
free to persons 65 or older	338, 339	79
Public Utility Commission		
allocation of enforcement expenses	33	3
control of rates	60	17
railroad crossings	79	82
Public Welfare Code		
expenses of youth development centers and forestry camps	317, 318	10

	<u>Act</u>	<u>Page</u>
Pupils		
confidentiality, school officials	287	25
handicapped, increased maximum costs	273	15
transportation, nonprofit schools	372	26
Purchasing agent		
appointment, board of school directors	28	14
Racing		
betting, minimum age	80, 168	96, 98
harness, extended days, tax on daily wager, water and sewerage projects	5, 374	8
harness, programs for services	212	51
public and party employes, own and race horses	41, 42	27, 28
public employes, restrictions	30, 31	27
Racketeering activity		
definition of	272	88
Railroad crossings		
prohibition on power of Public Utility Commission to appropriate property	79	82
Railroad strikes		
abandoning train, interfering with operation	237	88
Record books		
Department of Transportation, township officers	209	47
Recorder of deeds		
satisfaction of mortgage lien, counties - second class A	26	24
Recreational rivers		
Pennsylvania Scenic Rivers Act	283	67
Redevelopment assistance		
State grants	22-A	45
Redevelopment proposal		
definition of	359	76
Referenda		
adoption of home rule charter or optional plan	62	20
establishment of environmental improvement compact	39	19
intergovernmental cooperation	180	23

	<u>Act</u>	<u>Page</u>
outdoor sporting events, liquor license	46	90
Regional air pollution control associations abolished	245	66
Uniform Interstate Air Pollution Control Act	20	18
Regional community rehabilitation centers establishment of	218	65
Register of wills use of fees	326, 327, 328, 329, 330	10, 11
Rental housing included under Housing Finance Agency Law	282	75
Replacement housing provision of, eminent domain	304	72
Restitution district justices, responsibility for	200	63
Retirement classification State system, justices of the peace	177	64
Revenue bond anticipation notes issued by first class cities	234	7
Revenue bonds issued by first class cities	234	7
Rights-of-way new transportation routes	65	83
Rubbish prohibition against, removal of, towns	321	23
Scenic easement definition of	283	67
Scenic rivers areas Pennsylvania Scenic Rivers Act	283	67
School buildings construction, mine subsidence equipped with escape windows	15 43	87 47

	<u>Act</u>	<u>Page</u>
School directors		
authority to make school purchases	28	14
authority to purchase buildings for school use	89	14
cross filing, elections	171	59
maximum reimbursement for lodging and meals	302	37
minimum age	138	96
School nurse		
prohibition against disclosure of confidential information	287	25
School psychologist		
prohibition against disclosure of confidential information	287	25
School purchases		
amount allowed without bidding; agent	28	14
Second Class County Jury Selection Act	292	60
Secretary of the Commonwealth		
agent to serve process for violation of municipal ordinance	189	19
Senate		
State, advise and consent, Mobile- home Standards Advisory Committee and Industrialized Housing Advisory Committee	69, 70	73
Sewage treatment plants		
municipal, monies for construction	310	40
Sinking fund		
First Class City Revenue Bond Act	234	7
Local Government Unit Debt Act	185, 206, 214, 280	4, 5
Small municipality plan		
Home Rule Charter and Optional Plans Law	62	20
Soil and water conservation districts		
renamed, conservation districts; organization	361	68
Solicitation of Charitable Funds Act		
rules and regulations amended	246	48
Solicitor		
appointed by coroner, counties	309	35
assistant, fifth and sixth class counties	236	35

	<u>Act</u>	<u>Page</u>
Sparsity factor payments, extended to reorganized or merged school districts	273	15
Special occasion permits liquor; restrictions	71	90
Standards development of, mobile home construction	67	73
State Board of Education Federal money for educational institutions	244	48
State Commission on Academic Facilities abolished	244	48
State Conservation Committee formerly the Soil Conservation Committee	361	68
State Council of Farm Organizations designation of members to committee, determine programs, harness racing	212	51
State Disaster Relief Fund tax rebates	5, SS-1	2
State Employes Retirement System community college employes	55	1
judges of Philadelphia Municipal and Traffic Courts	341	30
justices of the peace	177	64
State game lands maximum price paid by Game Commission	248	55
State Harness Racing Commission designation of members to committee, determine programs	212	51
restriction on members	42	28
State Horse Racing Commission restriction on members	41	27
State hospitals Capital Budget	2, 275	41, 42
State-leased property inventory of	117	55

	<u>Act</u>	<u>Page</u>
State Lottery Law lottery proceeds, free public transportation for persons 65 or older	338, 339	79
State museums Capital Budget	2, 275	41, 42
State-owned property inventory of	117	55
State parks and forests Capital Budget lease period extended	2, 275 23	41, 42 55
State penitentiaries reduction of county expenses	47	9
State Police adoption of regulations and inspections, fuel oil and fires drug education	24 15-A	55 43
State-related schools Capital Budget prohibition against discrimination	2, 275 360	41, 42 50
State scholarships age and domicile requirements	169	98
State schools Capital Budget prohibition against discrimination	2, 275 360	41, 42 50
State Treasurer Capital Budget	1, 166	41
Stream pollution mine drainage, prevention, control and elimination	193	69
Streets improvement of, municipalities improvement of, taxes, Bloomsburg maintenance, State appropriation	74 320 66-A	80 9 40
Strikes employment of strike breakers prohibited railroad, prohibited acts, penalties	187 237	39 88
Strip mine areas restoration of	193	69

	<u>Act</u>	<u>Page</u>
Students		
confidentiality, school officials	287	25
handicapped, tuition schedule	273	15
residence; voter registration, scholarships	169	98
Study commission		
home rule and optional plans	62	20
Sunday sales		
liquor, city-owned stadia, cities -		
first and second class	108	91
liquor, performing arts theaters	46	90
Sunday catering		
licenses, clubs	95	91
Surface Mining Conservation and		
Reclamation Act		
commercial mining of noncoal minerals		
included	355	70
Survivorship benefits		
firemen, pension fund, cities -		
second class	36	32
police, pension fund, cities -		
second class	34	31
Tax anticipation notes		
authorization by resolution	214	5
deposited in sinking fund	280	5
first class school districts	206	4
Local Government Unit Debt Act	185, 206,	4, 5
	214, 280	
Taxation		
(see Assessment and taxation, this index)		
Temporary registration plates		
issued by automobile dealers	228	82
Textbooks		
nonpublic schools, State money	195	53
Theater		
liquor license, cities - first and		
second class	46	90
Third Class City Port Authority Act		
creation of port authorities	298	22
Thoroughbred racing		
minimum age for betting	80	98
public and party employees, own or		
race a horse	41	27

	<u>Act</u>	<u>Page</u>
restriction on public employes	30	27
Traffic Court of Philadelphia judges, State employes	341	30
Transportation		
assistance projects, Capital Budget	217	42
public, free to elderly	338, 339	79
pupil, nonprofit schools	372	26
routes, hearing and procedures	65	83
Trespass, actions		
definition, responsibility	91	63
TOPICS		
Federal-Aid Highway Act of 1968, improvement of municipal streets	74	80
Tourist promotion agencies 1971-72 appropriation	10-A	45
Township commissioners		
destruction of directional signs, penalties	77	85
record books, supply by Department of Transportation discontinued	209	47
sale of township property; advertising, exemptions	258	24
taxation, general purpose, limit increased	276	9
Township supervisors		
destruction of directional signs, penalties	76	85
employment of public accountants	109	34
record books, supply by Department of Transportation discontinued	209	47
use of a class 2 truck	256	34
Tuberculosis sanatoria		
used as health care clinics, cities - first class	105	22
Unemployment compensation		
volunteer ambulance corps, fire companies and forest fire fighters	83	30
Uniform Interstate Air Pollution Agreements Act	20	18
Uniform Standards Code for Mobile Homes	69	73

	<u>Act</u>	<u>Page</u>
Urban Redevelopment Assistance rehabilitation of areas with flood damage	4, SS-1	16
Vehicle Code		
Abandoned Vehicle Fund, abolished	172	81
accident reports	7, 85	81, 89
certificates of inspection	350	81
driving without lights	162	88
emission control inspection	154	83
inspection of fire trucks	8	79
lien on mobile homes	249	77
noise control	6	83
police vehicles, revolving and flashing lights, cities - first class	175	81
regulation of mobile homes and house trailers, weight and brakes	94	81
smoke control, regulations	357	80
suspension or revocation of driver's license, penalty	84, 85	89
temporary registration plates, dealers	228	82
unlawful possession of a controlled substance	162	88
Vehicles, abandoned		
prohibited, removal; incorporated towns	321	23
Voluntary Nonprofit Health Service Act of 1972	364	52
Volunteer ambulance corps		
unemployment compensation	83	30
Volunteer firemen		
flood relief, State money	1, SS-1	16
unemployment compensation	83	30
workmen's compensation, eligibility	223	30
Volunteer Firemen's Relief Association Act		
payment from beneficiary or death benefit fund	44	28
Volunteer forest fire fighters		
unemployment compensation	83	30
Voter registration		
flood destruction, counties - third class	1, SS-2	59
time limit for application	183, 184	58
Water scars		
mining, elimination of	193	69
Wage Payment and Collection Law		
wage deductions paid to a union	192	38

	<u>Act</u>	<u>Page</u>
Water and sewerage projects		
tax on daily wager, harness racing	5, 374	8
Wild river areas		
Pennsylvania Scenic Rivers Act	283	67
Workmen's Compensation		
firemen, eligibility, occupational		
disease	223	30
1972 workmen's compensation amendments	Note	30
Youth development centers		
expenses of	317, 318	10
Zoning		
classifications for regulation of		
nonconforming uses and structures	93	21

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